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Human Rights Council
Twenty-eighth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Reporters Sans Frontiers International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-03043 (E)
1503043

Please recycle

News providers as a first line of defence for human rights defenders

Journalists play a critical role in newsgathering, observing and witnessing at demonstrations. By their very nature, these are events of public interest. Indeed, in ensuring a free flow of information, they represent the first line of defense for human rights defenders, particularly during peaceful demonstrations.

However, in keeping with a pattern set in 2013, the year 2014 was marked by increased violence against news providers covering protest gatherings.

A large number of journalists – professional and amateur, local and foreign – are insulted, threatened, attacked or killed, while covering demonstrations. Some are directly targeted; others are collateral victims. Violence may come from security forces or from demonstrators. Responding to the increase in these events, the UN Human Rights Council on 28 March 2014 expressed *"concern about the number of attacks targeting human rights defenders and journalists in the context of peaceful protests."* The Council called on *"all states to pay particular attention to the safety of journalists and media workers covering peaceful protests, taking into account their specific role, exposure and vulnerability."* That standard of protection applies equally to amateur journalists and professionals.

Targeted by security forces...

Once again this year, security force violence took a heavy toll on journalists. In Ukraine, during the Maidan movement in January and February of 2014, journalists were deliberately and systematically targeted by the "Berkut" riot police. A determined policy of repression was evident from beatings, firing of rubber bullets and discharge of stun grenades, and an overall increase in violence waged with complete impunity.

In Turkey , one year after the *"Occupy Gezi"* demonstrations, impunity clearly has encouraged police to resort to violence: clubbing, and the use of tear gas, water cannons and rubber bullets. Following the toppling of Mohamed Morsi on 3 July 2013, security forces in Egypt are targeting journalists, especially those working for media with direct or indirect ties to the Muslim Brotherhood. In Yemen , riot police beat at least 15 journalists and threatened them with firearms during demonstrations in Aden in June, 2014.

During the *"Occupy Central"* demonstrations in Hong Kong, frequent police misconduct includes physical aggression, and harassment – even sexual harassment – aimed at reporters and photojournalists. Police do not hesitate to call on organized crime groups to commit these offences.

In Venezuela, the national Bolivarian Army deliberately fires on journalists who are clearly identified as such. For example, Mildred Manrique was attacked and threatened no fewer than four times in February-May, 2014 as she covered demonstrations against crime, inflation and shortages. Military police in Brazil insulted and beat Karinny de Magalhães while she covered demonstrations against World Cup-related spending. The police told her that journalists were *"a cancer of the world,"* and that *"you should all die."*

In Greece, the MAT riot police persist in crackdowns on photojournalists and television video and sound crews, treating them as troublesome witnesses in a climate of impunity.

...And targeted by protesters

Attacks are not only coming from security forces. Some demonstrators also have journalists in their sights. Instead of considering journalists as independent observers, protesters all too often treat news providers as enemies with a stake in the conflict.

In Thailand, frustrations over official channels' non-coverage or biased coverage of anti-government demonstrations that shook the country in November, 2013, led to attacks on journalists for supposedly favouring the government in reports. Demonstrators also took over the offices of six television stations, demanding broadcast of statements, and a halt to coverage of any information originating with the government.

Along the same lines, media offices have been besieged in Hong Kong, and attacked during civil disorders in Venezuela. In the latter country, long-lasting demonstrations have served as fertile terrain for small groups of violent protesters, who do not shrink from using Molotov cocktails and other explosives. Journalists in Haiti, all too often identified as political players in a deeply polarized country, are attacked and insulted by demonstrators from the opposing camp.

In France, verbal and physical attacks on journalists are becoming more frequent. "*Journalists, collaborators,*" chanted protesters who opposed Canal Plus journalists during a "*Day of Anger*" rally against government action on January 26, 2014. Tensions can run so high that news media sometimes hire bodyguards for reporters.

Unjust legal actions

In addition to violence, journalists are frequently subject to arrest and to arbitrary convictions. In Bahrain, arrest, torture and mistreatment have become common for those who cover demonstrations. Prosecuted under flimsy pretexts, they have been hit with lengthy prison terms for documenting the repression of the "Tamarod" anti-government demonstrations of July, 2013. In Egypt, at least 15 journalists were detained for questioning during demonstrations marking the third anniversary of the revolution on 25 January, 2014. In Algeria, during the run-up to the presidential election of 17 April, 2014, numerous journalists were arrested during demonstrations against President Bouteflika, who was running for a fourth term. "*The police had clearly been told to arrest everyone,*" said Hacen Ouali, a journalist from *El Watan*, who was detained on March 5, 2014.

According to the Hong Kong Journalists Association, approximately 30 news providers were attacked during the "Umbrella Revolution." In Venezuela, the national journalists' union has reported that more than 20 media workers were arrested in February-April, 2014. In the United States, at least 15 journalists were arbitrarily arrested during confrontations between police and demonstrators following the death of Michael Brown, an African-American shot by a white police officer in Ferguson, Missouri, on 9 August, 2014.

An attempt to limit demonstrations' media echo by Governments

In addition to direct attacks, government officials also try to hamper journalists' work by imposing burdensome restrictions. Many reporters have had their equipment seized or destroyed. Some have had been blocked from access to demonstrations. In Turkey, for example, officials limited entry to a perimeter that police established around Taksim Square. Only journalists with press cards provided by the Prime Minister's office were allowed in.

Some countries attempt to lessen demonstrations' media presence by censoring news about protests. During the "Umbrella Revolution," for example, China stepped up efforts to limit coverage – blocking access to sites and images; suppressing many posts and commentaries on blogs; and attempting to change the tone of news coverage. In Venezuela, faced with the increasing size of demonstrations, officials announced that "*coverage of violent events*" would be subject

to sanctions. The broadcast signal of the Colombian news channel *NTN24* (which reported on opposition demands) was cut off in Venezuela.

Criminalization of demonstration coverage

Fear of the spread of anti-establishment movements is leading governments to take increasingly harsh steps to limit freedom of assembly and media coverage of protests. The most striking examples of this trend are seen in Eastern Europe and Central Asia, where a *"post-Maidan"* effect has taken hold. Before the fall of President Victor Yanukovych in Ukraine, the country's parliament tried to counter the opposition movement by penalizing defamation and by facilitating the blocking of websites without court order. Russia and Kazakhstan have adopted measures to criminalize calls to participate in unauthorized demonstrations.

In the European Union, several pieces of legislation in 2014 attempted to limit journalists' ability to photograph security forces or demonstrators. Spain adopted a law on public safety in December, 2014 that includes a fine of up to 600,000 euros for taking or circulating images that damage the honour, image or safety of security forces.

Journalists share a bewildered response to the numerous attacks they endure for covering demonstrations: *"I was only doing my job,"* they say again and again. Beyond the need to protect information workers, there is an urgent need for governments to show greater political will to fight impunity. In order to clamp down on violence, people found to have obstructed journalists' work, or to have attacked them as they covered demonstrations, must be prosecuted.

Recommendations

- Member States should acknowledge that media coverage is an essential requirement for promoting and protecting human rights defenders during peaceful protests.
- Member States should make it clear that the right of journalists to gather and impart information is not conditional on their holding a press card or accreditation.
- Member States should respect the right to cover peaceful protests, including ensuring full access to places where demonstrators gather, as well as the right to film, interview and take pictures of both demonstrators and security forces.
- Covering peaceful protests should never be reason to deny visas or accreditation to journalists.
- Member States should provide international human rights training to the security forces.
- Member States should combat impunity by establishing specific criminal penalties and disciplinary sanctions for human rights violations and systematically prosecute perpetrators.
- Member States should establish procedures to compensate journalists for equipment damaged or confiscated or for medical fees arising from injuries caused by members of the security forces or government officials.

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Please recycle

Counter Terrorism and the right to inform

In his report (A/HRC/28/28) the High Commissioner for Human Rights states that *«States parties to the International Covenant on Civil and Political Rights should ensure that counter terrorism measures are compatible with article 19, paragraph 3 of the Covenant ».*
The same report notes *"in many countries' anti-terrorism laws "have been misused to curb otherwise legitimate activities and to target journalists, human rights defenders, minority groups, members of the political opposition or other individuals, some of whom have been arbitrarily detained and subjected to torture or cruel, inhuman or degrading treatment or punishment while in custody".*
However, in 2014, many States rushed to adopt emergency legislation imposing drastic limitations to the right to impart and receive information.

Ethiopia: three journalists and six bloggers, detained since early 2014 and accused of "organizing themselves into covert sub-groups to overthrow the government by contacting and receiving finance and training from two designated terrorist groups" are facing up to 15 years in prison under the anti-terrorism law. On August 5, 2014, the justice ministry announced that it intended to bring criminal charges against six news publications for "encouraging terrorism and endangering national security".

Syria: the 2012 anti-terrorism law allows prosecutions of journalists on charges of "publishing information about terrorist acts". Since 2012, Mazen Darwish, winner of the 2012 Reporters Without Borders Press Freedom Prize, is detained in Damascus under such charges. His case is representative of the many journalists, netizens and activists held in Syrian jails.

China: bloggers can be imprisoned for their writing, on charges of *'separatism' and 'terrorism'*. This is the case for Uyghur journalists and news providers reporting on crackdowns in Xinjiang.

Cuba: Juliet Michelena Diaz was arrested on April 7 2014, three days before the publication of a by-lined report she wrote for the Miami-based independent news platform *Cubanet* about a case of police violence she had witnessed in Havana. She was charged with « terrorism ». Arbitrary arrests of news providers are used to restrict the flow of information.

The Report also notes that, in some states, legislation has equated legitimate expressions of protest and opposition to the Government with terrorism.

Afghanistan: Syed Rahman Bekore, member of the Afghan Independent Journalists Association, was arrested in April 2014 for allegedly assisting rebel groups and charged with collaborating with enemy countries and terrorists. He was denied the right to see a lawyer and to receive visits from a representatives of journalists' associations and his family.

Egypt: in June 2014, three journalists were given jail sentences ranging from seven to ten years on charges of disseminating false news and belonging to a "terrorist organization".

Worrisome development
According to the same report, *"Some States have enacted broadly formulated national counter-terrorism legislation containing a definition of terrorism that lacks precision and allows for arbitrary or discriminatory enforcement by authorities", reminding Member States that «in its general comment No. 34, the HR Committee specified that offences such as "encouragement of terrorism"*, "extremist activity" or "praising", "glorifying" or "justifying" terrorism should be clearly defined to ensure that they do not lead to disproportionate interference with freedom of expression.

In December 2013, **Russia** added "extremist" content to the list of grounds for blocking websites under the 2012 Internet law. The amendment includes not only inciting hatred and terrorist acts but also participation in unauthorized demonstrations. Shortly afterward, Russia's three main opposition websites were blocked.
The Parliament's lower house voted a series 'anti-terrorism' laws in April that included a telecommunications law requiring people with blogs and social network pages with more than 3,000 visits a day to register under their real name with the communications surveillance agency Roskomnadzor and imposed a ban on content deemed 'extremist nature' or involving state secrets.

Cameroon: the new anti terrorism law, drafted in December 2014, if adopted, would include an extremely vague definition of terrorism, disproportionate penalties and provision to try terrorism cases only in military courts. Journalists who "defend terrorism" orally or in writing are punishable by 15 to 20 years in prison and/or a fine of 25 to 50 million CFA francs

Kenya: a controversial security bill adopted last 19 December states that the dissemination of *"any information (...) relating to terrorism,"* or covering terrorism attacks or publishing images of victims, *"which are likely to cause fear and alarm"*, without prior permission from the police is punishable by *"a fine not exceeding five million shillings [55,600 dollars] or imprisonment for a term not exceeding three years or both."* The law also provides for a jail term of 20 years for anyone convicted of encouraging or abetting terrorist acts via social media.

Jordan: the legislative arsenal developed to combat terrorism in 2014 violates the country's international obligations to respect fundamental freedoms, including freedom of information. The language of the anti-terrorism law adopted in 2006, and amended in 2014, leaves a great deal of discretion to judicial authorities with the resulting danger of producing arbitrary decisions and disproportionate penalties.
In June 2014, terrorism charges were brought against an Amman-based Iraqi opposition TV station *Al-Abasiya*'s owner and 13 journalists for "*using the Internet to carry out acts that exposed Jordanians to attack ».*

Surveillance and cyberceasorship
According to the report "*Broad-reaching surveillance practices have continued to infringe on individuals' human rights (...)Reports show that surveillance practices have had a chilling effect on freedom of expression, particularly affecting journalists whose sources are reportedly less willing to be in contact with the press out of fear that any interaction may leave a digital mark that could be used against them. "*

Authoritarian Governments are not alone in using national security as a pretext. At a February 2014 news conference, *New York Times* investigative reporter James Risen denounced the judicial harassment to which he was being subjected by the US administration and called the United States "an Orwellian state claiming to be the most transparent." Risen was being threatened with imprisonment if he did not identify his source at the trial of a former CIA officer charged under the Espionage Act with leaking information. No fewer than eight whistleblowers have been charged under the Espionage Act in the past six years, compared with just three since its adoption in 1917.
It was in the name of national security that the United States and its National Security Agency established the mass surveillance system whose scale was exposed in June 2013 by Edward Snowden.

Many European countries have anti-terrorism laws that facilitate spying on individuals. Article 20 of the "Military Programming Law" adopted by **France** in December 2013 allows the authorities to bypass the requirement to request permission from a judge when ordering surveillance if the purpose is to protect "national security" or "combat terrorism." A 2014 law reinforcing anti-terrorism measures rounded off these surveillance provisions by reducing journalists' legal protection and by establishing a system for censoring websites without referring to a judge.

In the **UK**, the laws regulating surveillance for the purposes of combating terrorism have led to many abuses. In late 2013, the British police obtained detailed phone billing records of more than 1,700 employees of News UK, the company that owns *The Times*, *Sunday Times* and *Sun*. The *Guardian* recently revealed that emails of journalists with *Le Monde*, *Guardian*, *New York Times*, *Sun*, *NBC* and *Washington Post* were among the 70,000 emails intercepted by the Government Communications Headquarters (GCHQ) in the space of just ten minutes in a 2008 exercise.

In Turkey, dozens of journalists continue to be the targets of arbitrary prosecutions under an anti-terrorism law. Against a backdrop of corruption allegations implicating senior government officials, the surveillance and website blocking powers of the intelligence agency and the High Council for Telecommunications were increased in 2014. Further, a recent amendment added 'national security' to the list of grounds for blocking websites without the judiciary's permission.

It is time for Member States to realize that a demonstration of their own respect for human rights and the rule of law creates a climate of trust and strengthens resistance to threats of violence and radicalism by enlisting the support of all their people in the fight against terrorism.

Recommendations to the HRC

- The HRC must assist Member States in ensuring that anti-terrorism laws and measures are consistent with their international obligations.
- It must monitor Member States to ensure that anti terrorism measures and legislations are not used to restrain freedom of information or target journalists for their legitimate activities.

To Member States

- Member States should carry out broad and inclusive consultations with all relevant stakeholders before adopting counter-terrorism legislation to ensure that it is coherent with relevant international human rights standards.
- They should refrain from carrying out abusive online surveillance and ensure that such measures are fully compliant with relevant international standards and subject to judicial review.
- They should never invoke anti-terrorism or national security as a justification to curtail fundamental freedoms.
- Charges of terrorism charges must never be used to deprive suspects and detainees of their rights such as seeing a lawyer, or guarantees for a fair trial;

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Please recycle

The state of the world press

There was a drastic decline in freedom of information in 2014. Two-thirds of the 180 countries surveyed by *Reporters Without Borders* for the 2015 World Press Freedom Index performed less well than in the previous year. The annual global indicator, which measures the overall level of violations of freedom of information in 180 countries year by year, has risen to 3,719, an 8 percent increase over 2014 and almost 10 percent compared with 2013. The decline affected all continents.

Index details
2015 Index: Reasons for a worrying decline

Conflicts proliferated in 2014: the Middle East, Ukraine, Syria and Iraq… All warring parties without exception waged a fearsome information war. The media, used for propaganda purposes or starved of information, became strategic targets and were attacked, or even silenced.
See the analysis: "News control - powerful weapon of war"

Non-state groups follow no laws and disregard basic rights in pursuit of their own ends. From Boko Haram to Islamic State, Latin American drug traffickers and the Italian mafia, motives may vary but their *modus operandi* is the same – the use of fear and reprisals to silence journalists and bloggers who dare to investigate them or refuse to act as their mouthpieces.
See the analysis: "Non-state groups: tyrants of information"

Stretching sacrilege prohibitions in order to protect a political system is an extremely effective way of censuring criticism of the government in countries where religion shapes the law.
The criminalization of blasphemy endangers freedom of information in around half of the world's countries. When "believers" think the courts are not doing enough to ensure respect for God or the Prophet, they sometimes take it upon themselves to remind journalists and bloggers what they may or may not say.
See the analysis: "Blasphemy: political use of religious censorship"

Can journalists be seen as the common enemy of protesters and police alike at some demonstrations?
This is the sad conclusion of Reporters Without Borders this year. 2014 saw an increase in violence towards reporters and netizens covering demonstrations.
See the analysis: "The growing difficulty of covering demonstrations"
The European Unions recorded a bigger decline in 2015 over the 2014 Index, exposing the limits of its "democratic model" and highlighting the inability of its mechanisms to halt the erosion.
The EU appears to be swamped by a certain desire on the part of some member states to compromise on freedom of information. As a result, the gaps between members are widening – EU countries are ranked from 1st to 106th in the Index, an unprecedented spread.
See the analysis: "European model's erosion"

Democracies often take liberties with their values in the name of national security.
Faced with real or spurious threats, governments arm themselves routinely with an entire arsenal of laws aimed at muzzling independent voices. This phenomenon is common to both authoritarian governments and democracies.
See the analysis: "National security" – spurious grounds"

These **authoritarian governments** are in Eastern Europe, Africa, Asia and also the Middle East. Most are headed by cartoon characters come to life who would be a laughed at if they did not exercise total control over news and information. In 2014 they further tightened the grip they have had on the media for many years. Among the lowest-ranking 20 countries in the 2015 Index, 15 performed even worse than they did in the 2014 edition.
See the analysis: "Governments seeking ever more information control"

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Written statement* submitted by the Associazione Comunita Papa Giovanni XXIII, a non-governmental organization in special consultative status

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Please recycle

The protection of the family

Associazione Comunità Papa Giovanni XXIII takes note of the Report of the Office of the United Nations High Commissioner for Human Rights A/HRC/28/40 entitled "Summary of the Human Rights Council panel discussion on the protection of the family".

The panel discussion was held during the twenty-seventh session of the Human Rights Council as requested by resolution 26/11 that was adopted by voting on 26 June 2014, at the twenty-sixth Human Rights Council regular session.

Regrettably, such a resolution on protection of the family, that was meant to mark the 20th anniversary of the International Year of the Family and to offer a useful opportunity to draw further attention on increasing cooperation at all levels on family issues and on undertaking concerted actions to strengthen family-centred policies and programs, did not find consensus among all the Member States.

Undoubtedly, the right of the family to live as an integral whole is protected by a variety of international instruments whether under international human rights law or international humanitarian law.

States have the obligation to provide the widest possible support and protection for the family as the natural and fundamental group unit of society and allow it to fully assume its role in the community and provide a conducive environment for the growth and well-being of its members.

Several internationally agreed documents reaffirm the central and vital role of the family in society, acknowledging its key role in fostering social development, its strong force for social cohesion and integration, and underscore its primary responsibility for the nurturing, guidance, and protection of children.

Examples of these international Treaties and Conventions are: the Universal Declaration of Human Rights[1], the International Covenant on Civil and Political Rights[2], the American Convention on Human Rights[3], the Preambles of the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities[4]. The treaties all state that: *"The family is the natural and fundamental group unit of society and is entitled to protection by society and the State."*

Pope Francis recently commented: "The family remains always the cell of society, and the primary place of education. It is the community of love and of life in which every person learns to relate to others and with the world. And, thanks to the bases acquired in the family, he is able to project himself in society, to frequent positively other formative environments … Thus, in this integration between the bases assimilated in the family and "outside" experiences, we learn to find our way in the world."

Owing to rapid socio-economic and demographic transformations that have affected society and culture in recent years, the family as the first, fundamental and vital cell of society, finds itself increasingly challenged. The economic situation has caused many families to be separated by migration and the search for employment; financial problems strain many households in almost all countries. While all too many people live in dire poverty, others are caught up in materialism and lifestyles that are destructive of family life. The family is also threatened by growing efforts on the part of some to redefine the very institution of marriage, by relativism, by the culture of the ephemeral and by a lack of openness to life. It is true that domestic violence occurs in a certain number of families around the world, but many more families live "in fidelity to those values that constitute the foundation of the institution of the family." As the African proverb says "

[1] UDHR Art. 16.3
[2] ICCPR Art. 23.1
[3] ACHR Art 17
[4] CRPD Art. 23

A falling tree makes more noise than a growing forest".

In this regard, we regret the fact that many States and some United Nations agencies portray the family more as a "problem" than as a resource.

Not withstanding the fact that human rights of individuals must be always protected within the family, to focus only on the rights of family members as advocated by some States means to deny that the family is much more than the sum of its individuals. The family, in fact, is a community of persons bonded by love and life, where husband and wife, parents and children, grand parents and relatives live in reciprocity, mutual donation and a sense of belonging contributing as a whole to the good of society.

The family is the natural environment for the growth and well being of all its members and particularly children[5]; in the family we learn how to socialise and develop the ability to relate with others; we learn cooperation and solidarity and how to love. The family is also the most adequate place for responsible procreation. It is the first place for education. It is also a bridge among generations. Especially in times of economic crisis and unemployment, the family constitutes a very important and irreplaceable social security cushion.

In all countries and cultures, the family has a very precious role in the care of children, elderly and sick persons. A clear example of this is the role that the African extended family plays as a copying mechanism in countries most affected by epidemics such HIV and AIDS, Ebola etc. both in the care for the sick and the orphans.

Moreover, the family is the natural place for hospitality and welcoming of the people in need. In this regard, APG23 can bear witness to this through its numerous open families and family-homes run by married couples and present in 30 countries on five continents that welcome and care for children in need, disabled, homeless, elderly, ex-prisoners and most vulnerable people in society.

As conditions have worsened for many families around the world, States and international organizations must commit to enact effective policies and measures to provide the necessary comprehensive support
for the family and its members including through promoting affordable, accessible and quality care services for children and other dependents, parental and other leave schemes, as well as formulating family sensitive policies in the field of housing, work, health, social security and education in order to create an environment supportive of the family. In protecting the family, every society actually protects itself.

[5] Convention of the Rights of the Child

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The relevance of social protection floors

The Associazione Comunità Papa Giovanni XXIII welcomes the Secretary General's Report A/HRC/28/35 on the question of the realization in all countries of economic, social and cultural rights, submitted at the 28th regular session of the Human Rights Council pursuant to Human Rights resolution 25/11. The report focuses on the importance of social protection floors for the realization of economic, social and cultural rights.

As written in the ILO *World Social Protection Report 2014/2015*,[1] seventy three per cent of the global population are either not covered, or only partially covered, by comprehensive social security systems.

In the current economic crises, the number of people that live without social security is increasing in developed countries too. The actual economic ruling system creates a big gap between the rich and the poor. The first ones become less but richer, the poor are on increase. Economic inequalities create new disadvantaged and marginalized groups.

The CESCR General Comment n.19 states, "*It is important that social security schemes cover disadvantaged and marginalized groups, even where there is limited capacity to finance social security.*"[2] This limited capacity could be removed by redistributing government's expenditures. An example may be reducing the military costs and redirect the saving towards development, health and education.

Public services can turn out to be a good economic equalizer and shock absorber of the imbalances in the income distribution. However, this will depend on how they are structured, granted and supplied. Unfortunately, political choices penalize in most cases the poor people, in favour of the rich elites. This contributes further to exacerbate the existing economic disparities.

We would like to emphasize the importance of paying attention to the social protection floor initiative, as underlined by the Secretary-General, because such an intervention could be instrumental in achieving the minimum core content of the economic, social rights. Social protection can prevent people from falling into extreme poverty by helping them cope with different risks, shocks and crises beyond their control[3].
The States should develop rules that redistribute the riches of the country and ensure a minimum core content of the right to social security and health.

Clearly, the principles behind the social protection floor have to be transparency, participation and accountability. These principles are also indicated in the Guiding Principles on Extreme Poverty[4] approved by the General Assembly.

States have to elaborate integrated strategies for essential social services and income security for all, based on the shared principle of social justice. The benefits of such a system have to be adequate in amount and duration. In this way, States not only will prevent and reduce poverty, inequality, social exclusion and social insecurity but also will promote equal opportunities for all.

The report of the Secretary-General clearly states that the objective of the social protection floor is to safeguard dignified existence for all; such an affirmation based on the principle of human dignity reveals the direct link between social security system and human rights.

As Pope Francis affirms: "*The scandal of poverty cannot be addressed by promoting strategies of containment that only tranquilize the poor and render them tame and inoffensive. How sad it is when we find, behind allegedly altruistic*

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[1] *World Social Protection Report 2014/2015: Building economic recovery, inclusive development and social justice* (2014). Available from www.ilo.org/wcmsp5/groups/public/---dgreports/--dcomm/documents/publication/wcms_245201.pdf.

[2] Committee on Economic, Social and Cultural Rights. General Comment No.19. The right to social security (art.9)

[3] A/HRC/15/41 Report of the Independent Expert on the question of human rights and extreme poverty, Magdalena Sepúlveda Carmona, on the draft guiding principles on extreme poverty and human rights.

[4] A/RES/67/164

works, the other being reduced to passivity or being negated; or worse still, we find hidden personal agendas or commercial interests."[5] He also prophetically says: "*this society is the result of an underlying social choice in favour of an economic system that puts profit above man. If economic profit takes precedence over the individual and over humanity, we find a throw-away culture at work that considers humanity in itself, human beings, as a consumer good, which can be used and then thrown away*".

In our opinion, the most important domains for social protection are health (related with food, safe drinking water and sanitation, etc.) and education. Those States that do not ensure health for all, fail to recognize the human dignity of their people. Those States that don't ensure a quality free education to children and youth impede their own development since they denies to themselves the opportunity to discover all the potentialities of their people. Unfortunately, we are living in a world where money seems to dictate on who and how people have access to education and health. To invest in health and education are ways to reduce the inequality between the poor and the rich, to create a world that can develop harmoniously and respects human dignity.

It is urgent and necessary to implement the Right to Development that provides an integrated, holistic and cohesive normative framework for achieving a just and equitable development for individuals and all people. In fact, Right to Development encompasses both the civil and political and the economic, social and cultural dimensions of human rights and addresses both the national and international dimensions of development.

To empower people, States should start from implementing the Right to Development. In this regard, social protection floors may be a relevant sub-criterion[6] for the implementation of Right to Development.

States should implement article 2, paragraph 1 of the Convention on Economic, Social and Cultural rights that recognizes the assistance and international cooperation between States as rightly pointed out by the Secretary-General in his report: "*social security system and their components should be universal, based on social solidarity.*"

The Economic and Social Council also recognizes the importance of international cooperation in its overview entitled "*World Economic and Social Survey 2014: Reducing Inequality for Sustainable Development*": "*There is an international dimension to domestic or national inequalities. While inequalities within countries are mainly the domain of national Governments, there are several instances where global rules, or the lack thereof, may enhance those inequalities or constrain government action at the national level to reduce them. For instance, initiatives to promote internationally agreed minimum social standards in developing countries are supported by financial and technical resources provided by international cooperation.*"

However, international assistance and cooperation should not impose conditions that would hinder the exercise and enjoyment by peoples and individuals of their human rights. As rightly pointed out by Ms. Virgina Dandan, the Independent Expert on Human Rights and International Solidarity, in the proposed draft declaration on the right of peoples and individuals to international solidarity[7], cooperation should be a solidarity cooperation based on equal partnerships, mutual commitments and obligations, including mutual accountability enhanced through transparency in the use of development resources obtained through international cooperation, and joint assessment of mutual progress.

Finally, Member States should make use of the Guiding Principles on Extreme Poverty, that are a practical tool for policy-makers to ensure that public policies (including poverty eradication efforts) reach the poorest members of society, respect and uphold their rights, and take into account the significant social, cultural, economic and structural obstacles to human rights enjoyment faced by persons living in poverty.

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[5] Address of Pope Francis to the Participants in the world meeting of popular movements available from http://w2.vatican.va/content/francesco/en/speeches/2014/october/documents

[6] A/HRC/15/WG.2/TF/2/Add.2: The right to development criteria and operational sub-criteria

[7] A/HRC/26/34, annex.

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Human Rights Council
Twenty-eighth session
Agenda item 4
Human rights situations that require the Council's attention

Written statement* submitted by the People for Successful Corean Reunification, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-03118 (E)

1503118

Please recycle

North Koreans Abroad: Labor Rights and the Democratic People's Republic of Korea

People for Successful COrean REunification (PSCORE) has prepared the following written statement related to Human Rights in the Democratic People's Republic of Korea (DPRK) for the United Nations Human Rights Council related to items three and four on the standing agenda. The UN Security Council and International Community has recognized, documented, and sought to address the atrocious human rights violations in the DPRK, culminating in an extensive report in 2014 released by the Commission of Inquiry on Human Rights in the DPRK and stricter sanctions targeting the DPRK government. However, PSCORE urges the UNHRC and member states to address a related and pressing matter: labor rights violations committed by the DPRK in the territory of an estimated 16 participating states. Coercively exporting between 50,000 and 150,000 of its citizens as migrant workers, primarily to Russia, China, the Middle East, and Southeast Asia, the DPRK government effectively evades targeted sanctions and violates international labor laws, matters that PSCORE urges the UNHRC and member states to address immediately. This statement begins by contextualizing these labor rights violations within an international law framework, then presents a more detailed description of specific violations, and ends with recommendations for the UNHRC and member states.

International Law

The DPRK's export of workers abroad is in violation of both UN Security Council resolutions and international labor and human rights laws. UN Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013), and 2094 (2013) restrict the DPRK's military and nuclear progress through a series of sanctions, including a ban on the import of luxury products. Related to the DPRK's export of workers, these resolutions include a "ban on the provision of financial services or the transfer of financial or other assets, including bulk cash, that could contribute to prohibited programs or activities or to the evasion of sanctions." The DPRK government evades these sanctions, in part, by coercively exporting and exploiting its workforce. By confiscating as much as 90 percent of its workers' wages, the DPRK government appropriates this currency to fund DPRK state programs.

Arguably, the treatment of North Korean workers abroad is of even greater concern, as conditions in work camps, which are discussed in the following section, can be described as tantamount to modern slavery and involves not just the DPRK but at least 16 states that actively collaborate with the DPRK government. Specifically, North Korean foreign workers' rights are violated according to Article 7 of the International Covenant on Economic, Social, and Cultural Rights and Article 12 of the International Covenant on Civil and Political Rights, whereby workers are guaranteed fair wages, health safety, and days of rest, and free movement and liberty, respectively. In addition, in violation of the International Labor Organization and 2000 United National TIP Protocol (the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children) and the 1987 Convention against Torture and Other Cruel, Inhuman, and Degrading Punishment or Treatment (CAT), these workers are not permitted to terminate their contracts or leave worksites and face arbitrary arrest, detention, repatriation, and torture for violating these rules.

The violations of international labor and human rights laws cited above are intended to bring the UNHRC and member states' attention to this matter, which requires immediate action and further investigation to delineate the full extent of both breaches in international and domestic laws of states that are hosting North Korean workers in collaboration with the DPRK government.

North Korean Workers Abroad

The DPRK sends between 50,000 and 150,000 North Koreans to work in manual labor industries, such as mining, logging, textiles, and construction, in an estimated 16 countries through bilateral agreements. According to the Asan Institute for Policy Studies, North Korean workers are primarily sent to Russia, China, the Middle East and Southeast Asia, earning between $120-$150 per month. Isolating them in camps with contracts lasting no less than three years, North Korean laborers are required to work for between twelve and twenty hours per day, with only one or two days off per month. The vast majority of North Korean overseas workers are sent to Russia, and China. In violation of international human rights and labor laws, these workers are underpaid, subjected to harsh working conditions, and not

permitted to terminate their contracts without endangering themselves and their families. The number of North Koreans working abroad has more than doubled since Kim Jong-Un rose to power in 2011.

The North Korean government carefully selects workers to be sent abroad through government recruiting firms. In general, only individuals with immediate family in North Korea (i.e., wife and children) are eligible, as their family serves as collateral to ensure workers' obedience and compliance while abroad. Nevertheless, competition for these positions is fierce, as many North Koreans are driven by the opportunity to make money for their families and their country. Many North Korean workers prefer working abroad because conditions in work camps are better than in North Korea, where malnutrition and food insecurity is pervasive. In contrast, in foreign labor camps North Korean workers are fed enough to perform hard labor for extensive periods of time. North Korean workers must have connections within the Korean Worker's Party or be able to pay bribes to be considered for a foreign job. The type of work is then decided based upon individuals' political class, known as *songbun*. The most dangerous and difficult work is assigned to members of the lowest class. Although conditions may be better overall for North Korean workers abroad than for most North Koreans, one should not forget that conditions in North Korea cannot serve as a means of comparison for ethical and humane conditions given the preponderance of evidence demonstrating that human rights violations and food insecurity in North Korea are pervasive. Moreover, North Koreans' decision to work abroad is made under coercive conditions and should not be deemed as informed consent in legal terms. North Korean workers do not have individual contracts and are unaware of the conditions for their employment. The majority of the time North Korean workers know little more than the length of time they are expected to work abroad. Supervisors confiscate North Korean workers' identification papers when they arrive in their host countries, and North Korean workers are under constant surveillance while abroad.

Foreign employers of North Korean laborers refer to them as "hard working, obedient, skillful and cheap." Testimonies from defectors and experts suggest that workers do not earn money directly. Instead, their wages are sent to a state-run North Korean institution, such as an embassy, and workers are told that they will receive their wages when they return to North Korea. The North Korean government confiscates as much as 90 percent of workers' wages, paying the remaining 10 percent either in coupons that can only be used in government-run stores in North Korea or in North Korean Won. There are no credible statistics available with regards to the flow of money in the DPRK, but reports estimate 400 to 500 million USD in confiscated wages goes to the DPRK government annually. This additional income goes in part to support the "royal court economy," enabling the ruling Kim family to maintain its hold on power by bribing government and military officials with luxurious presents, ensuring their loyalty.

At the end of the average three-year contract, North Korean laborers can apply for an extension to continue working abroad or return to North Korea. However, while employed abroad workers are not permitted to change their jobs or quit. PSCORE informants recall instances of detention, imprisonment, and torture when workers were not fully compliant. One informant recalled an instance of a worker who tried to escape a worksite in Russia. North Korean authorities broke his arms and legs and deported him to North Korea in a full body cast. The conditions in North Korean labor camps abroad need immediate international attention and intervention to ensure North Korean laborers' rights are upheld in accordance with international labor and human rights laws.

Recommendations

PSCORE urges:

- The Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea to:
  - Commission a report of the working conditions for North Korean migrant workers.
  - Investigate member states that are collaborating with the DPRK government in violation of international labor and human rights laws and failing to protect the rights of North Korean migrant workers.

- Member States to:
  - Disallow the North Korean surveillance system in member state territory.

- Pay North Korean migrant workers directly and end any payment system that pays workers' wages to North Korean state institutions.
- Uphold international labor and human rights laws and protect North Korean migrant workers.
- Ban the import of products made by North Koreans migrant workers, if they are produced in violation of international labor and human rights laws.
- Investigate and hold private companies accountable for their treatment of North Korean migrant workers.

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Human Rights Council
Twenty-eighth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Imam Ali's Popular Students Relief Society, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-03100 (E)

1503100

Please recycle

We can divide the whole world into two countries with clear borders; Peace and War

Today, there are some 200 countries, in the world, with different traditions, religions, rites and rituals, and languages. However, I think we can divide the whole world into two countries with clear borders.

One of these countries is the country of money and arm; country of arm producers and dealers; country of narcotics merchants; traffickers of deprived and poor girls and women; mutilators of children and dealers of their delicate and tiny body organs; country of people who have devaluated human being into an instrument to be used for testing their devices, medicines and arms on them; country of people whose interest necessitates to force the peddler children, with their pathetic appearance, to beg others at the cross roads. They want the huge resources and the wealth of this planet only for themselves and will do anything to gain them and have no intention to share it with others. They will easily destroy anyone trying to oppose them.

The other country is the country of people with no arms and weapons; disarmed people; country of innocent and beautiful children, who cannot defend themselves against hunger and sickness; country of helpless women who run away from their homes due to discrimination and/or domestic violence and go where they have no protection and the only valuable property they have is their body; country of the helpless child whose body is mutilated to be sold; country of the beggar kid, whose arms and legs are amputated and broken for no guilt for the sake of looking pathetic and begging well; the country of the questioning eyes of a kid, who has been in the snare of addiction. Yes, here is the country of armless people, country of the helpless.

The difference between the two countries can easily be noticed. The first country is overflowed with money and wealth and is floating in tranquility and abundance. Its habitants wear sumptuous garments and priceless jewelry. Various foods on their tables and sparkling of their cars blind the eyes. It is the country of comfort and ownership. They do what they wish and get what they will, but the other country owns something in need of being discovered. It needs to be extracted, and that is the jewel hidden in the oppressed look of a hungry kid; it is a beautiful smile after having a bit of a meal; the smile of a helpless person, who wins a fellow's affection or finds a shelter. There are so many beauties in this country, but you cannot deal it for even billions of dollars. Let us add to such beauties of this planet by trying to be a remedy for their pains and let us prefer being to having.

Sharmin Maymendinejad
Founder OF Imam Ali's Popular Students Relief Society

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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Imam Ali's Popular Students Relief Society, a non-governmental organization in special consultative status

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GE.15-03103 (E)

1503103

Please recycle

The only way to end the bloodshed and killing in the world, is the consciousness and enlightened conscience of human beings.

Every day, in the absence of humanity, a bomb is thrown down on this painful Earth to remind us the lost face of human being once again. In every corner of this Planet, too much evil has been spread out; that even watching the affliction of thousands of innocents and helpless children exposed to nerve gas or dying of cold, or under bombardments, on the surface of the glass TVs, would not dishearten people from enjoying their nightly dinner.

The Blessed ones of today, are stunned and just are being in sadness; while lots of people maybe among their ordinary routines and just to say something, in their assemblies talk about the damn policy and make the painful death of thousands of fellow-humans as the evidence of their speech. And then the job is done! Such a way, human cries for justice due to cruelty and evil of this era, would be lost behind the egotistical believes of contemporary human. It seems that, people still do not want the endless suffering of humanity is over. The human does not have time to think to this catastrophe to alleviate them. Time of human-child has become filled by diminutive toils. Toils for eating and sleeping; Toils that in comparison to the deep sufferings of human being in this world is analogous to a bite of a mosquito.

In this period of history, that millions and millions of people have become the skin and bones due to war, hunger, addiction, and so on..., the human thinks that getting away from their beloved is the end of the world! People just think of their own today and tomorrow. Most of them think of their bank accounts with concerned eyes and a great way ahead to achieve their dream cars and houses and spouse. Great regret! Corpses of killed children in the World have been lost behind all trivial concerns of human. Have been lost to let the hidden players of politics, play with the human dignity of all of us, confidently. And even take advantage out of the cataclysm of killing children. And to prove their ideas, knit whatever they want and wear it to today-mankind-body. Because they think, the today-human conscience must not be exposed to the ultimate greed and hatred of them. As if, human must wear the profiteers' illusions cloths and waste their lives. And finally one day human dies and sleeps under a grave yard, with no consciousness and awareness. Unfortunately, our World with the existence of carefree-mankind captured by junky toils and selfishness, have been succeeding in killing innocent people.

In this way, Imam Ali's Popular Students Relief Society, not only condemns war and killing of defenseless people, especially children and women and civilians, anywhere in the World, but also, more than that and before that and deeper than that, condemns the dormant of the humanity conscience. IAPSRS condemns irresponsibility and preoccupation of the today's human with their personal happiness and self-fortune. IAPSRS condemns the fake belief in personal happiness. And to end the crisis, which sucks the extract of the life of poor children, invites all the people to sensitivity and awareness of the deep suffers of today's humanity. IAPSRS invites everyone to take responsibility to obviating the dilemma that human is faced today. Invites people not to just stand away and have a look at the World issues, and not just talk about the World issues in their banquets. We invite all, grateful the relative health and security that they have, use their efforts and thoughts to take the hands of the ones whom become sentenced to homelessness, pain, and death due to negligence of past generations.

No doubt, if we are all united and have a strong desire for an end to Massacre, harassment and destruction in the world, we have the strength that no group and no state and no power and nobody would be able to do such ominous plays with the dignity of human being, kills children by the ultimate cruelty, and then with a damn smile puts his sin to another's pocket. Sure, to save the World from all this darkness a powerful united desire is necessary; a desire for the happiness of all human children anywhere in the world; a desire to bring smiles to the faces of every child in the World;

such a desire that we would all think about that every day and night. And every day we should take some genuine steps to make it happen one day.

The desire must become our dream and supersede all of our trivial dreams and wishes. This desire should become the Interpretation of the ultimate happiness we have. And that is, a World without children's death. A World which treats its children with compassion and this compassion always prevents human away from war and brings peace everywhere. Hoping our World would regain its common dream to rescue and its lost consciousness.

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Human Rights Council
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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Imam Ali's Popular Students Relief Society, a non-governmental organization in special consultative status

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GE.15-04154 (E)
1504154

Please recycle

Stop slaughtering World's Children

In the evening of last days of Fall, 2014, six Taliban militia entered a school in Pishavar, Pakistan, and slaughtered 130 people from which 80 were children. Nowadays, politics is mixed with ignorance. There are still people who target innocent people! Those who after all these years still is not clear are after what, and what is their purpose aside from slaughter, bleed, loath, and worst of all, slaughter of all these children.

Worst is where even some of those who got mad, and sorry about those 80 children, are somehow part of this slaughter and war. Yes! This game of Politics and economics in all over the world, specifically in the Middle East, is the dirtiest game. It is scary, a world in which children are slaughtered. And to fix it, where should humanity stand?

Our world has witnessed rage of violence in recent months, from wars and conflicts to shootings and terrorist attacks all over the world. With grave sadness children were among most vulnerable victims of different forms of violence. But these are only visible forms of violence against children. On the other hand, there are many other forms such as domestic violence, sexual exploitation, slavery, child labor, child addiction and etc. Those are mostly invisible. Violence against children is everywhere; but people turn a blind eye!

Imam Ali's Relief Student Society announces its regret about the previous slaughtering in Pakistan and specifically children's bleeding, and announces its deep concerns about people's indifference towards children's conditions around the world, e.g. Iraq and Syria. IAPSRS believes that altering current situation is impossible without the feeling of responsibility of each person towards their fellow humans. Even if people would only have one thought, or would imply one logical action, towards the sufferings of human society in this world each day, we would have thousands of thoughts and beneficial actions each day, and this is the fund that would turn this planet into a safe and free place to live in. A planet in which no child is slaughtered anymore.

IAPSRS thinks to human commitment to children's welfare all over the world and protecting them from violence and poverty. We emphasize to call on people around the world come together and say that violence against children is not acceptable.

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Human rights situation in Palestine and other occupied Arab territories

Written statement* submitted by the Amuta for NGO Responsibility, a non-governmental organization in special consultative status

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1503813

Please recycle

Investigation of the appointment of William Schabas and the conduct of the 2014 Gaza Commission of Inquiry

In February 2015, William Schabas resigned from the UN Human Rights Council's Commission of Inquiry on the 2014 Gaza Conflict (COI), after the revelation that he had failed to disclose his work as a paid consultant for the PLO in applying for a previous position. Given Mr. Schabas' long-standing record of animosity towards Israel and his history of Palestinian activism, the central question is how this violation of ethical principles happened in the first place.

This scandal highlights the importance of an independent investigation into the biased appointment process. In particular, the investigation should include questions such as:

- What other conflicts of interest and ethical violations were hidden by Schabas?
- What connections and consultancies did Schabas have with politicized NGOs such as Amnesty International, Al Haq, etc. and what role have these NGOs played to date in the COI?
- How did the UN's vetting process fail? According to news reports, Schabas "was not asked to detail his consultancy work when he was appointed."
- If UN officials were previously aware of Schabas' connections to the PLO, why was this information not disclosed earlier and why was he allowed to continue in his position?
- Who in the HRC leadership and/or at the Office of the High Commissioner for Human Rights selected Schabas for the position?
- To what extent was the PLO, the Arab League, and/or the Organization of Islamic Cooperation involved in the selection of the commission members?

In addition to an investigation on the details surrounding Schabas' appointment, the UN must conduct a complete overhaul of the process related to appointments for HRC commissions of inquiry – particularly those related to Israel. Unlike appointments for thematic mandates, the process for HRC commissions of inquiry is completely secretive and violates ethical and legal standards. There are no set procedures and no publicly available guidelines. It is unknown how candidates are selected, who influences the process, and who ultimately chooses commission members.

The HRC Guidelines require all work carried out under the Council's auspices to be conducted with "impartiality, objectivity, and non-selectivity". Yet, these guidelines are routinely violated in the HRC appointment processes, and should be a source of shame and embarrassment for the HRC and the staff of the OHCHR that support and enable these double standards. As noted by legal scholar and former member of the Inter-American Commission on Human Rights, Christina Cerna:

> In my view Israel has a unique status in the UN Human Rights Council. Impartiality is not a requirement sought by the Council for the appointment of experts when it comes to Israel. I was selected as the consensus candidate of the Consultative Committee for the post of UN Special Rapporteur on the Occupied Palestinian Territories earlier this year, but the Organization of Islamic Cooperation and the League of Arab States both officially opposed me, which killed my candidacy. They opposed me for "lack of expertise," although my entire professional life has been involved with human rights, but because I had never said anything pro- Palestinian and consequently was not known to be "partial" enough to win their support. The candidate that they officially supported was considered to be partial in their favor. No other special procedures mandate is similarly biased. At the end of the day, neither I nor the OIC candidate was appointed, but the Indonesian diplomat,

> Makarim Wibisono, who was appointed, was considered sufficiently "pro-Palestinian" to be acceptable to the OIC. Consequently, I don't think Bill Schabas could have been selected to lead the "independent" inquiry if he hadn't made the comments he had made about Netanyahu. (*EJIL Talk!* 4 November 2014)

The lack of transparency at the HRC has not only marred the appointment process for the COI, but runs through the entire COI investigation. For instance, the COI has failed to disclose the identities of the many staff members and consultants working on the investigation and report. These include the Coordinator, Reporting Officer, Legal Advisor, Investigation Team Leader, two Human Rights Investigators, the Child Protection Advisor, Gender Advisor, Forensic Pathologist, Administrative assistant, Archivist, Local Security Officer, Military Advisor consultant, Media expert consultant, and two media monitoring consultants. (Similar secrecy characterized the discredited UNHRC Goldstone report of 2009.)

The secrecy surrounding the COI staffing is unethical and makes it impossible to evaluate the competency, qualifications, biases and expertise of these individuals. It is also impossible to know how many of these individuals have significant conflicts of interest like Schabas. Given past experience, notably with the 2009 Goldstone mission, these conflicts are likely to be numerous and severe.

The COI has also failed to provide a list of witnesses or disclose its process for selecting witnesses. No testimony has been made public, nor has a list of meetings been issued. Submissions received by the COI have also remained secret. Again, this lack of transparency is in violation of accepted fact-finding standards.

Another serious concern regarding the COI that requires immediate investigation relates to statements made by Mr. Schabas in his letter of resignation. He claimed that the "Commission of Inquiry is at a decisive stage in its work. It has largely completed the task of gathering material and listening to victims and other witnesses, including experts. The work on the drafting of the report is beginning." In other words, the fact-finding work of the COI had been completed under the direction of Schabas, and his comments highlight his integral involvement in the substantive work of the COI, and in directing and shaping the investigation. Any resulting report issued is therefore irrevocably tainted by his involvement and cannot be viewed as being objective, impartial, or non-selective.

From a broader perspective, Schabas comments highlight the troubling questions on the professionalism and credibility of the COI's activities. The deadline for submissions to the COI was 31 January 2015 (since extended to 16 February). Schabas' comments indicate, however, that the COI's work as of 1 February had already been completed. It is therefore impossible for the COI to have reviewed and investigated the information in the submissions, and it appears then that there was no real attempt by the COI to take the submissions into account. We are also aware that the COI wanted to interview witnesses as late as 26 February.

Finally, the excessive cost of the COI calls into question the HRC's commitment to universality and non-selectivity. According to the UN Programme Planning and Budget Division, the Mission would require a staggering $2,359,800 appropriation, including $566,900 for "simultaneous interpretation" and "pre-session documentation"; $1,125,300 for staffing, plus an additional $124,200 for unnamed "consultants," including a "media expert consultant" and "two media monitoring consultants"; $273,000 for commission and staff travel; and $18,000 for office equipment and supplies. There is no explanation as to why the proposed salaries are so grossly excessive, or why such large amounts are needed for "simultaneous interpretation" and travel. There is no explanation as to why the COI needs its own special "media expert" and why the currently available and extensive PR resources at the UN are insufficient.

The UN projected a budget of nearly $3 million for this tainted investigation is entirely disproportionate and unjustifiable. There are numerous serious and horrifying human rights crises globally, including in Syria, Iraq, Nigeria,

Afghanistan, the Ukraine, Iran, Saudi Arabia, China, Turkey, Cuba, and Venezuela, and even William Schabas admitted that events in Gaza are "probably not, on a Richter scale of atrocity, at the top."

Unfortunately, the HRC track record on COIs related to Israel has been dismal. It is clear these efforts have been "employed not to discover evidence of real probity, but to ... re-enforce predetermined political conclusions" to be used for "propaganda purposes."[1] As detailed above, the current COI has not shed this tarnished image. Its work should be immediately suspended and the UN should launch an investigation on these core issues of fairness and justice. The HRC also must overhaul its fact-finding mechanisms and immediately enact clear standards and guidelines for future commissions of inquiry. If the COI on Gaza is to be reconvened it should done so under a fully transparent, non-corrupt, and reformed process.

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[1] Franck, Thomas M. and H. Scott Fairley, Procedural Due Process in Human Rights Fact-Finding by International Tribunals, 74 AM. J. INT'L L. 308 (1980).

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Human rights situations that require the Council's attention

Written statement* submitted by the International Educational Development, Inc., a non-governmental organization on the roster

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1503058

Please recycle

Violations of Kurdish people rights in the Islamic Republic of Iran

Violations of Kurdish people rights in the Islamic Republic of Iran

International Educational Development, Inc., the Association of Humanitarian Lawyers and the Association for Human Rights in Kurdistan of Iran-Geneva (KMMK-G) have addressed the situation in Iran for many years and have worked closely with the various rapporteurs of the Council on this topic. We have been especially concerned about the violations of the rights of the Kurdish population there where people have been tortured, imprisoned and executed for demanding their fundamentals rights. The number of executions, imprisonments, indiscriminate killing of border couriers (kulbaran) and landmines explosions against civilians are dramatically rising.

Kurdish political prisoners

The number of Kurdish rights activists facing imprisonment, torture, and execution continues to rise. According to right groups Iran holds at least 900 political prisoners and prisoners of conscience, including roughly 400 members of the Kurdish community.[1] Out of 93 political prisoners sentenced to death for crimes of "*Mohareb*" enmity against god, 62 of them are of Kurdish ethnicity.[2]

Indiscriminate killings of Kurdish border couriers

Despite the new administration pledges to change the government security approach towards Iranian Kurdistan, the number of indiscriminate killings of Kurdish Kulbaran/kasebkaran (border couriers-tradesmen) by Iranian security forces, is dramatically rising. Due to high rate of unemployment and the land contamination by landmines and explosive remnants of war, the Kurdish youth and farmers from four Kurdish provinces of Kermanshah, Kordistan, Ilam and West Azerbaijan engage in smuggling commodities such items as tea, tobacco and fuel to earn a living. Our working partner the KMMK-G has received reports of 70 cases of government security force's shooting on Kurdish Kulbars in 2014. At least 30 border couriers were killed and 30 other wounded by the government border security forces without respecting even the Iranian domestic law, which, authorize the use of lethal force only as a last resort.[3]

Landmines' victims in Iranian Kurdistan

Iran is one of the most mined countries in the Middle East. Landmines and Explosive Remnants of War (ERW), especially unexploded ordnance (UXO) — which includes remnants of cluster munitions — litter Iran as a result of the Iran-Iraq War that lasted from 1980 to 1988 and as well as an armed conflict between state army and Kurdish non-state armed combatants.4 During the War and the internal conflict, the Iranian army placed an estimated 20 million landmines throughout its border with Iraq, a region that covers more than four million hectares (15,444 square miles). According to Iran's Mine Action Centre's Head, Brig. Gen. M H Amir Ahmadi, over 10,000 people were killed due to landmines.[5] Landmines and Explosive Remnants of War affect particularly the Kurdish provinces — Kurdistan, Western Azerbaijan, Ilam and Kermanshah are all close to Iraq — as well as Khuzestan (Ahwaz – Arab region).[6]

According to our statistics, from the beginning of 2013 till now, 89 civilians suffered landmines explosions in Kurdish

[1] http://www.kmmk-ge.org/?p=625&lang=en

[2] http://united4iran.org/political-prisoners-database/search-results/?fields%5Bname%5D&fields%5B10070%5D%5B0%5D=10075&fields%5B11000%5D%5B0%5D&fields%5B10130%5D%5B0%5D&fields%5B10340%5D%5B0%5D&fields%5B10400%5D%5B0%5D=10410&ppd_p=3

[3] http://www.kmmk-ge.org/?p=645&lang=en

4 http://www.jmu.edu/cisr/journal/11.2/focus/kohli/kohli.shtml

[5] https://www.youtube.com/watch?v=rE3OlSFV5M8&feature=youtu.be, consulted on February 2015.

[6] http://www.jmu.edu/cisr/journal/11.2/focus/kohli/kohli.shtml

four provinces. 12 of them are aged less than 15 years old. In 2013, 46 civilians walked on landmines and explosive remnants of war, 11 of them died and 35 of them incurred disabilities or injuries.7 In 2014, 43 Kurdish civilians incurred disabilities or injuries due to landmines and unexploded munitions. Nine individuals have lost their life, 12 has lost a leg and the rest were injured and four of them seriously.[8]

Despite the elevated number of landmines human casualties and despite the United Nations and international community repeated calls on the Iranian government to ratify the Ottawa Landmine Ban Convention, the Islamic Republic of Iran refuses to adhere to the convention and fails to take necessary measures to clear Kurdistan from landmines.

Mother tongue education

Under the article 15 of the Iranian Constitution, the official language is Persian. The same article stipulates that the teaching of the literature of regi al and tribal languages is allowed in addition to Persian, in the press and mass media. However, the mention of regional languages is only a façade, since the Kurdish and other national minorities' language is not taught in schools, the national minorities newspapers are regularly closed down and the journalists arrested.
According to a disclosed document[1], the Iranian Ministry of Education circulated an official confidential document (Refrence N° 392/170, Iranian dated Lunar 09/10/1391) in Kurdish province of Kermanshah prohibiting the teachers to use the local language namely Kurdish in Public sphere and schools.[9]

The members of Kurdistan Teachers Union (KTU) (Ramin Zandnia, Baha Maleki, Peyman Nodinian, Ali Qureyshi, Kamal Fakurian, Mostafa Sarbazan, Ezat Nosrati, Parviz Nasehi, Mohammad Sadigh Sadeghi, Hiva Ahmadi and Reza Vakili) were each sentenced to four months in jail, which has been suspended for two years. The banishment verdict of Mokhtar Asadi another member of KTU was renewed for the fifth consecutive year and the travel ban on Mr. Hashem Khastar, a Kurdish cultural activist, was also renewed.[10]

Moreover, the only Kurdish news agency, the Mukeryan News Agency, was shut down on February 2013 and it's director Mr. Massoud Kurdpur and as well as his brother Khosrow Kurdpur were sentenced to jail12.[11]

Recommendations:

1. The Council should call upon the government of the Islamic Republic of Iran to join to the Ottawa Convention and to take immediate steps to assist the landmines victims without discrimination.

2. To protect all prisoners from torture and other ill-treatment; and immediately and unconditionally release all individuals held in connection with their peaceful exercise of freedom of expression or association.

3. To put an end to *indiscriminate killings* of Kurdish border couriers.

4. To allow the education in mother tongue for the children belonging to member of ethnic groups. And to fully respect the Iran's own constitution as well as its international commitments regarding the education of mother tongue for ethnic nationalities.

5. The Special Rapporteur should consider a joint effort with the mandate holder on minority rights and/or the mandate holder on the right to education:

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[7] http://www.kurdpa.net/farsi/idame/18443
[8] http://www.kmmk-ge.org/?p=633&lang=en
[9] http://www.kurdpa.net/farsi/idame//7971
[10] http://www.humanrights-ir.org/php/view_en.php?objnr=828
[11] (http://www.humanrights-ir.org/php/view_en.php?objnr=880) and (http://www.kmmk-ge.org/?p=445&lang=en

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Human rights situation in Palestine and other occupied Arab territories

Written statement* submitted by the Amuta for NGO Responsibility, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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1503069

Please recycle

Lack of Military Expertise Seriously Impairs UNHRC Fact-finding

The lack of military expertise and knowledge of international humanitarian law at the Council has greatly marred its reporting on armed conflict, particularly within its fact-finding mechanisms. This problem largely stems from and is compounded by extensive reliance on the claims of NGOs. Few, if any, guidelines exist within the HRC and other UN frameworks to verify and evaluate the credibility of NGO allegations.

The failure to retain experts and develop standards for evaluating NGO evidence has led to the publication of many false claims under the auspices of the Council. The 2009 Goldstone Report on Gaza, for example, is replete with such mistakes and ultimately led to Judge Goldstone's retraction of his own report.[1]

Dozens of similar examples are found in NGO publications on the 2014 Gaza war, and unfortunately, we have reason to expect that they will be adopted by the Schabas Commission. Without such expertise and professional methodology, fact-finding claims regarding IHL violations lack credibility.

Despite their claims to the contrary, NGOs have little to no military experience nor understanding of how armies operate. Although NGOs overwhelmingly focus on damage occurring in war, the authors show no understanding of the circumstances. Some military claims made by NGOs are technically impossible or completely illogical. Even Amnesty's Secretary General Salil Shetty openly acknowledged that the NGO is "not an expert (sic) on military matters. So we don't want to, kind of, pontificate on issues we don't really understand."[2] Yet, despite Amnesty's admitted lack of expertise, this has not stopped the NGO from publishing hundreds of claims relating to military matters, including dozens in its reports on the Gaza fighting.

Like Amnesty, Human Rights Watch also has "little expertise about modern asymmetrical war."[3] Instead of credible evidence and military assessments that reflect knowledge and experience, HRW publications emphasize technical and legal allegations that are unfounded or irrelevant, but present the façade of expertise. These include references to satellite imaging, GPS coordinates, and weapons specifications.

HRW's lack of military expertise has led to fundamental errors in its reporting, and these were then adopted within UN frameworks. For example, in a 2009 publication, HRW accused the IDF of using drones to launch precise weapons during the 2008-09 Gaza war, leading to civilian deaths. HRW claims that these deaths should have been avoided and that IDF drone operators failed to act accordingly. Many of these claims were repeated in the Goldstone report.

Yet, as Robert Hewson, editor of *Jane's Air-Launched Weapons*, commented, "Human Rights Watch makes a lot of claims and assumptions about weapons and drones, all of which is still fairly speculative, because we have so little evidence."[4] Similarly, former Commander of British forces in Afghanistan, Colonel Richard Kemp, in responding to HRW claims that a launch platform could be determined solely by sound, "questioned whether such distinctions could be made, not least as the Spike's range is 8 km (5 miles) -- enough to put helicopters or naval boats out of earshot."[5]

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[1] Richard Goldstone, "Reconsidering the Goldstone Report on Israel and War Crimes," *Washington Post*, 2 April 2011, *available at* http://www.washingtonpost.com/opinions/reconsidering-the-goldstone-report-on-israel-and-war-crimes/2011/04/01/AFg111JC_story.html

[2] http://www.aljazeera.com/programmes/talktojazeera/2014/02/salil-shetty-speaking-truth-power-2014271027258 15233.html

[3] http://www.unwatch.org/site/apps/nlnet/content2.aspx?c=bdKKISNqEmG&b=1317489&ct=8884881

[4] Dan Williams, "Human Rights Watch accuses Israel over Gaza drones," June 30, 2009http://www.reuters.com/article/worldNews/idUSTRE55T37A20090630?feedType=RSS&feedName=worldNews&pageNumber=2&virtualBrandChannel=0&sp=true

[5] Id.

The fundamental errors of Amnesty and HRW are endemic in almost all NGO reporting on armed conflict.

Lack of knowledge regarding IHL is another significant deficiency in NGO reporting that is then incorporated into UN reports by similarly unqualified UN staffers. For instance, NGOs level charges that Israel "deliberately targets civilians" and engages in "indiscriminate attacks." Almost every Israel response to attack is declared by the NGOs to be unlawful. When the evidence so obviously points to a military objective at the target site, the NGOs instead claim the Israeli strike was "disproportionate" or lacking "military necessity", and falsely claim knowledge of the intentions of the military commanders at the time. The NGO reports frequently disregard the more logical explanation for a military action and instead impute, without evidence, malevolent intent.

Thus, NGOs conclude that areas of intense or widespread damage are the result of intentional or disproportionate targeting, rather than considering the more likely explanations that there were large concentrations of targets in one area or that those targets were within civilian structures. Sometimes, the explanation might be as banal as a simple mistake (tragic, but not illegal). As noted by philosopher and ethicist Professor Asa Kasher, the condemning of every single action taken by the IDF as illegal, something no legitimate investigatory body would do, is proof that NGO reports are not credible.[6]

In contrast to NGO narratives, whether an attack complies with the principles of distinction and proportionality requires an assessment of many factors, including information known to military commanders prior to an attack, enemy locations, presence of military objects, presence of civilians, anticipated harm to civilians, the military advantage expected, and evidence of intent to cause civilian harm. In a conflict, these factors must be evaluated prospectively rather than through NGO hindsight.

NGO and UNHRC reports also omit reference to the IDF's extensive system used to evaluate whether a given target is lawful, including embedding legal advisors within each division. These advisors are also available to provide real time legal advice in the midst of combat. As noted by General Martin Dempsey, Chairman of the US Joint Chiefs of Staff, "Israel went to extraordinary lengths to limit collateral damage and ensuing casualties. In fact, we sent a lessons learned team . . . to work with the IDF to get the lessons from the [Gaza operation]."[7] Colonel Kemp has issued similar sentiments: "No army in the world acts with as much discretion and great care as the IDF in order to minimize damage. The US and the UK are careful, but not as much as Israel."[8]

In addition to inventing legal standards and proffering claims without a factual foundation, NGOs also generally ignored Hamas and other terror organizations when analyzing the legality of military operations, as if, in the words of William Arkin, Israel was fighting some "nonexistent force." Alternatively, they tended to give Hamas the benefit of the doubt for its actions.

Amnesty International, for instance, claimed that Hamas told the civilian population to ignore IDF warnings of impending strikes because it was "motivated by a desire to avoid further panic." These claims are simply bizarre and must be viewed as promoting Hamas propaganda. Hamas is a terrorist organization that steals humanitarian aid; hides its leadership in hospitals; stores its rockets in schools, mosques, and private homes; and conducts military operations from within civilian areas placing them in extreme danger. It summarily executes collaborators and has intimidated and threatened the international press. Hamas and other Palestinian terror groups do not care about the safety of Palestinians in Gaza or preventing "panic."

Similarly, in a *New York Times* article discussing human shielding, an HRW researcher claimed that the legality of Hamas embedding in civilian areas is "a bit of a fluid concept . . . If you have any choice in the matter, you should not be fighting from an apartment building full of civilians."[9] Like Amnesty's comment, this is absurd. There is nothing

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[6] Remarks made at November 12, 2014 address at the UN Library Geneva.
[7] http://www.ustream.tv/recorded/55011394
[8] http://www.jpost.com/Arab-Israeli-Conflict/Former-British-commander-in-Afghanistan-No-army-acts-with-as-much-discretion-as-IDF-does-374382
[9] http://www.nytimes.com/2014/07/24/world/middleeast/israel-says-hamas-is-using-civilians-as-shields-in-gaza.html?_r=0

"fluid" about the illegality of Hamas' fighting tactics. They are prohibited under the laws of war because the terror organization is placing civilians at risk by co-locating, and also because Hamas attacks themselves are directed at Israeli civilians. Contrary to HRW's claim, there is no "choice" to engage in prohibited activity.

Brookings Institution scholar Ben Wittes summarizes the consequences of the NGO approach:

> In my view, we are talking about [asymmetric war] today not simply because of the barbarities of any groups but because of the reaction over time to the behavior of those groups by NGOs, international organizations, activist groups, and many members of the legal academy—for whom systematic violations of the law of armed conflict by insurgent groups is just not quite as troubling as is the reaction to those violations, often taken in rigorous compliance with the LOAC or in good faith attempts to comply, by organized state militaries, particularly those of the United States and Israel . . .
>
> To put it simply, the world has responded to the ever-increasing outrageousness of these [insurgent] groups with ever-increasing demands on their opponents—ironically, the most legally scrupulous militaries in the world—to achieve something close to perfection in civilian protection. The soft-law world is just not quite as horrified by Hamas as that group's behavior and the relevant IHL conventions would lead one to expect . . . The political pressures generated by the law, therefore, tend to militate in exactly the wrong direction. And that is not the fault of the terrorists. To assign blame on this point, rather, we must look to New York, to Geneva, to many European capitals, and to the fundraising strategies of human rights groups.[10]

[10] http://www.lawfareblog.com/2015/01/notes-on-the-erosion-of-norms-of-armed-conflict/#more-42607

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Please recycle

Irresponsible European Government NGO Funding Exploits International Law to Promote Conflict and Hate

The governments of Switzerland, Denmark, Sweden, and the Netherlands are providing millions of dollars in funding to Israeli and Palestinian political advocacy NGOs (non-governmental organizations) active in the Israeli-Arab conflict, via the Human Rights and International Humanitarian Law Secretariat (the "Secretariat").[1] The funds are managed by the Institute of Law at Birzeit University and NIRAS, a European multidisciplinary consulting company.

In March 2014, the Secretariat announced[2] $10.5 million in "core funding" grants, over three years, for 24 highly politicized Israeli and Palestinian NGOs. Many of the recipients promote anti-Israel BDS (boycott, divestment, and sanctions), advance a "1948 agenda" that portray the re-establishment of Jewish sovereign equality as a "catastrophe," and exploit the false "apartheid" analogy to demonize Israel. Some of these NGOs also promote blatant anti-Jewish hatred and bigotry.

In addition, on August 2, 2014, the Secretariat pledged "emergency funding" to nine NGOs to target Israel with false charges of "war crimes", while ignoring Hamas violations of law, including 4563 rockets fired at Israel – each one a war crime. . Explicitly, the documentation and investigation of deliberate Palestinian attacks on Israeli civilians is not a focus of the funding objective. The taxpayer money from these four countries is used to advance politicized and biased investigations of Israel, such as the discredited Schabas Commission of Inquiry, and to exploit the International Criminal Court.

The Secretariat's partnership with Birzeit University is also troubling. According to news reports, Birzeit University has a policy "stipulating that Jewish Israelis are not allowed on the university grounds."[3] Birzeit University issued a statement[4] that confirmed and justified this discriminating against people based on religion and country of origin "according to our national interests and cause." Various faculty members have also confirmed the policy.

Furthermore, in February 2014, Birzeit published a report, "Advocating for Palestinian Rights in conformity with International Law: Guidelines"[5] (English and Arabic). This document is a strategic manual for exploiting legal terms and rhetoric to demonize and isolate Israel internationally, and promotes the elimination of the State of Israel via statements that Israel, regardless of its borders, is among "racist regimes which are absolutely prohibited in their entirety." The report was posted prominently on the Secretariat's Facebook page.[6]

Secretariat leadership has openly espoused these views. Mustafa Mari, who currently manages the Secretariat and is the Curriculum Development Officer at Birzeit, chaired a session where participants discussed Israel's "colonial policy that dated back at least to the 1930s" and the "need for new legal frameworks which make the occupation illegal, criminalize Israeli practices, and support unification of Palestine and Palestinians." The session took place at the conference that became the basis for the aforementioned report.

Many of the NGOs funded by the Secretariat promote anti-Jewish racism, deliberate attacks on Israeli civilians under the guise of "resistance," and the elimination of Jewish self-determination. For instance,

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[1] http://www.rightsecretariat.ps/index.php
[2] http://www.rightsecretariat.ps/our-work/grantees/project-funding
[3] http://www.haaretz.com/news/features/.premium-1.618007
[4] https://twitter.com/BirzeitUniv/status/516543950593597441
[5] http://lawcenter.birzeit.edu/iol/en/project/outputfile/6/986afcc6c9.pdf
[6] https://www.facebook.com/HRIHLSecretariat

BADIL, a Palestinian NGO founded to promote a Palestinian "right of return" and a leader of international BDS campaigns. BADIL has published antisemitic cartoons on its website,[7] as well as imagery promoting violence, and a one-state agenda denying Israel's right to exist. A cartoon that won a monetary prize in BADIL's 2010 Al-Awda Nakba caricature competition is a blatant representation of classic antisemitic tropes: a Jewish man garbed in traditional Hasidic attire – featuring a hooked nose and side locks – stands above a dead child and skulls, while holding a pitchfork dripping with blood. After this and other antisemitic images were revealed Switzerland froze its contribution[8] to Secretariat funding for BADIL. This funding was renewed, however, by Switzerland, Denmark, the Netherlands, and Sweden, even though there is no available public documentation showing that an independent investigation was conducted regarding BADIL's explicit promotion of antisemitic materials, or that mechanisms to prevent future antisemitic occurrences were instituted. Indeed, much of the offensive imagery remains on BADIL's website.[9]

Palestinian Center for Human Rights (PCHR), a leader in the anti-Israel "lawfare" movement that attempts to have Israelis arrested on invented war crimes charges in various countries. PCHR's cases have all been dismissed in the preliminary stages. Despite claiming to advance "human rights", PCHR fails to condemn deliberate attacks on Israeli civilians, promoting an invented and illegal "right of resistance" by Palestinian terror groups. The group regularly employs highly offensive rhetoric describing Israel's policies as "apartheid," "ethnic cleansing," "war crimes," and the "Judaization of Jerusalem."

Al Haq, a leader in BDS and "lawfare" campaigns, has suggested activists sabotage the Israeli judicial system by "flooding the [Israeli Supreme] Court with petitions in the hope of obstructing its functioning and resources." The Israeli Supreme Court has identified Al Haq's general director Shawan Jabarin as "among the senior activists of the Popular Front terrorist organization" (PFLP). Although the PFLP is a designated terrorist organization by the EU, there is no record indicating that due diligence was conducted to ensure that Secretariat funding to Al Haq is not diverted in violation of domestic and international terror financing laws.

MIFTAH, a group that claims to "disseminate the Palestinian narrative," "influence policy and legislation," and "achieve a more supportive policy environment for reform and democratization in Palestine." Instead the group has published antisemitic materials and praised suicide bombers. In March 2013, MIFTAH published an article written by Nawaf al-Zaru that repeated the antisemitic blood libel that Jews use Christian blood to bake Passover matzo.[10] After significant public criticism, MIFTAH removed the article, but attacked the blogger who exposed the article for "smearing" the organization and downplayed the centrality of the blood libel in the piece.[11] Miftah's publications utilize the term "resistance fighters" to describe terror groups, and described Wafa Idrees, one of the first female Palestinian suicide bombers, as "the beginning of a string of Palestinian women dedicated to sacrificing their lives for the cause." Idrees detonated herself on January 27, 2002, killing 81 year-old Pinhas Takatli and injuring 150 Israeli civilians.

Stop the Wall, a leader of the international BDS campaign, received a Secretariat grant ostensibly to "contribute to a situation of accountability and respect for human rights by all duty bearers by creating mechanisms to implement ICJ decisions related to the separation Wall." Stop the Wall claims[12] that "The Wall is an integral part of the Zionist project to remove Palestinians from Palestine," and considers "The Wall to be an integral part of the racist ambitions of Zionism" and "Israel's occupation, colonialism and apartheid" policies. This view disregards Israeli "right to life" by ignoring the fact that the security barrier was only built in response to suicide bombings targeting civilians emanating from the West Bank and has saved countless lives since its construction. The inflammatory and offensive rhetoric employed by Stop the Wall is a form of incitement and does not contribute to co-existence or peace.

These NGOs, along with others that receive Secretariat funding, issue lengthy publications accusing Israel of war crimes and other demonizing allegations. Measures such as universal jurisdiction lawsuits, boycott campaigns, and

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[7] http://www.ngo-monitor.org/article/badil_s_antisemitic_cartoon_questions_for_danchurchaid_trocaire_and_funders
[8] http://www.jpost.com/International/Swiss-freeze-funds-for-pro-Palestinian-NGO
[9] http://www.badil.org/en/photo-gallery/category/226-awdaaward-caricatures-10
[10] http://www.ngo-monitor.org/data/images/File/miftah%20blood%20libel.jpg
[11] http://www.miftah.org/Display.cfm?DocId=25950&CategoryID=2
[12] http://www.stopthewall.org/about-us

lobbying for ICC prosecutions are never wielded against Palestinians for their commission and support of terrorism, kidnapping, and murders of Israelis, nor for Hamas' calls for genocide against the Jewish people.

The exploitation of human rights rhetoric and the abuse of legal systems by these NGOs is a divisive tactic that enflames the rhetoric of hate instead of facilitating constructive solutions to the Arab-Israeli conflict. Funding from Sweden, the Netherlands, Switzerland, and Denmark for these activities is immoral and an improper use of taxpayer funding. The Secretariat should be immediately disbanded and government officials should launch an immediate investigation into how the Secretariat framework was exploited to promote conflict and hate.

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Please recycle

European Funding for Illegal Building on West Bank in Violation of International Law

Introduction

Human rights bodies within the UN have frequently taken up the issue of construction in the West Bank, and allegations that such building violates international conventions and constitutes gross violations of diplomatic norms.

It is therefore imperative that the UNHRC concern itself deeply with illegal construction under the auspices of non-governmental organizations (NGOs), aided and abetted by European governments.

A number of NGOs involved in Palestinian political advocacy have facilitated the building of structures in Area C of the West Bank. The structures, which are built without permits from the Israeli Civil Administration, are considered illegal under the obligations set forth by the Oslo agreements.

These NGOs have received support for this agenda from European governments.[1] Notably, the funding for this illegal building originates primarily with European governments via the European Union (EU).

Professor Eugene Kontorovich, an expert in international law from the Northwestern University School of Law in Chicago, stated: "There's no question, the EU is openly in violation of international law."

EU involvement

This construction activity, as reported in the *Daily Mail (UK)*[2], was financed with tens of millions of Euros, provided by EU public funds. Villages known as "EU Settlements" are found in 17 locations around the West Bank. These settlements fly the EU flag and display EU signs as well as the logos of partner NGOs such as Oxfam International.

The unauthorized construction has been acknowledged by an Oxfam spokesperson. EU involvement was initially denied by Brussels-based EU spokesperson Maja Kocijancic: "To date, no construction has started yet under these programmes. The EU is not funding illegal projects." Kocijancic declined to comment when shown photographs of the construction and an EU-Oxfam sign stating that the "main activities" of construction work are "'rehabilitation and reclamation' of land."

However, EU funding was officially confirmed by Shadi Othman, a communications officer at the Office of the European Union Representative in the West Bank, who stated: "This is part of the work done to build the future Palestinian state." Othman declined to comment on a picture of a uniformed EU worker threatening soldiers and bystanders with a rock in 2012.

Othman's statement is supported by EU documentation[3] showing €7,000,000 budgeted in 2012 alone for "Land development and basic infrastructure in Area C." The funds are meant to "support the Palestinian presence and to promote social and economic development in Area C."

Legal and diplomatic ramifications

[1] http://www.ngo-monitor.org/article/eu_funded_ngos_vs_eu_israel_cooperation
[2] http://www.dailymail.co.uk/news/article-2874883/EU-funding-illegal-building-West-Bank-says-report.html#ixzz3R8VRlhGc
[3] http://europa.eu/rapid/press-release_IP-12-964_en.htm

International legal experts have confirmed that the actions of the EU and NGOs are illegal, and warn that EU involvement in illegal building activity is tantamount to taking sides in a foreign territorial dispute.

Alan Baker, an Israeli international lawyer who helped draft the Oslo agreements stated, "According to international law, all building in Area C must have permission from Israel, whether it is temporary or permanent…The EU is ignoring international law and taking concrete steps to influence the facts on the ground."

The illegal building also threatens to undermine diplomatic relationships between Israel and the EU; by condemning Israeli building in Area C while simultaneously funding Palestinian settlements there, the EU has exemplified a double standard.

At least two Members of the European Parliament – British MEP James Carver, and German MEP Michael Theurer – are raising these concerns with EU policymakers.

NGOs distort EU policy

NGO lobbying to the EU has encouraged the illegal building activity. In a July 2012 briefing paper,[4] Oxfam International recommended that NGOs should "**initiate and support development projects in the Jordan Valley and other parts of Area C**...even if they have not been approved by the Israeli Civil Administration…" (emphasis in original).[5] Oxfam claimed that this would be "in line with the draft recommendations of the EU Heads of Diplomatic Mission report on Area C" (which was leaked to the press despite not having received formal approval from the EU).

Similarly, an article posted[6] on UN OCHA's humanitarian news and analysis network, IRIN, alleged that "the European Union (EU) and humanitarian agencies are pressing to change the rules of the aid game." According to Tsafrir Cohen from Medico International[7] (funded by the German government), "They are pressuring Israel to reach an actual game change in Area C. There had to be a game change." Ulrich Nitschke of the German Agency for International Cooperation (GIZ), a federally-owned enterprise,[8] was more specific, stating:

> *As soon as we get a green light on the technical stuff, the EU donors are counting six months. If there is still no permit issued after that, the project is implemented without.*

However, these NGO statements contradict stated EU policy. Contrary to Oxfam's claims, the leaked EU Area C draft report[9] does not recommend illegal construction or violation of international obligations and treaties. In fact, the EU rejected any such approach in a May 2012 statement,[10] emphasizing that "The EU will engage with the Government of Israel to work out improved mechanisms for the implementation of the donor funded projects for the benefit of the Palestinian population in Area C." In this way the EU's participation in illegal building activities is in contradiction to its own stated policies.

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[4] http://policy-practice.oxfam.org.uk/publications/on-the-brink-israeli-settlements-and-their-impact-on-palestinians-in-the-jordan-232131

[5] In 2009, Oxfam was accused of being involved in constructing a water-siphoning system, which illegally diverted water from the "main authorized Palestinian water supply." See http://www.jpost.com/Israel/NGO-Oxfam-aids-illegal-Palestinian-deeds

[6] http://www.ngo-monitor.org/data/images/File/IRIN_article-Medico-GIZ-EU_English.pdf

[7] http://www.ngo-monitor.org/article/medico_international_

[8] http://www.ldf.ps/documentsShow.aspx?ATT_ID=5503

[9] https://web.archive.org/web/20120616120638/http://www.redress.cc/cms-files/nsabir20120115.pdf

[10] http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/130195.pdf

The scope of the problem

NGO involvement in illegally building in Area C without permits is extensive. According to the Displacement Working Group (DWG, a group of local and international NGOs chaired by OCHA), Israel razed 62 illegally-built, European-funded structures in 2011, and another 110 projects could be demolished. According to DWG, these structures were financed by France, the Netherlands, UK, Poland, Ireland, and the European Commission.[11]

In addition to the abovementioned groups – Oxfam International, Medico International, and GIZ – the Israeli organizations Israeli Committee against House Demolitions (ICAHD)[12], COMET ME[13], Ta'ayush[14], and Solidarity[15] are also involved in the process of building without permits in Area C and pushing for European diplomatic intervention.

Conclusion

The phenomenon of illegal NGO building in Area C due to NGO maneuvering to obtain European support for these efforts poses an impediment for peace and positive relations in the Middle East, and could lead to damaged relations between Israel and Europe.

On one level, the NGOs have undermined the terms of Oslo, which were mutually drafted and agreed to by both the Israeli government and the PLO, and guaranteed by European governments and the United States. The illegal building also undermines international law, which obligates Israel to administer the territories under its control.

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[11] https://web.archive.org/web/20130920033925/http://www.google.com/hostednews/afp/article/ALeqM5hzG0fTr6sqqDxnuMtDcsBLisiI2Q?hl=en

[12] https://web.archive.org/web/20120729000622/http://www.icahd.org/?p=8460; https://web.archive.org/web/20120516232557/http://www.icahd.org/?p=829&; https://web.archive.org/web/20120401213539/http://www.icahd.org/?page_id=8185

[13] http://webcache.googleusercontent.com/search?q=cache:7JR6h1TFsvYJ:www.irinnews.org/printreport.aspx%3Freportid%3D95954+&cd=1&hl=iw&ct=clnk&gl=il

[14] http://www.ngo-monitor.org/article/ta_ayush; http://www.taayush.org/?p=2405

[15] http://www.ngo-monitor.org/article/sheikh_jarrah_solidarity_movement; http://www.justjlm.org/1911

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Human Rights Council
Twenty-eighth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Joint written statement* submitted by the France Libertes : Fondation Danielle Mitterrand, American Association of Jurists, Emmaus International Association, Peace Brigades International Switzerland, non-governmental organizations in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Please recycle

Violation of the human right to water and sanitation in Latin America: a consequence of policies extractive activities

« Water is a limited natural resource and a public good fundamental for life and health. »[1] In its General comment No.15 in 2002, the Committee for economic, social and cultural rights emphasizes the importance of water to humans. It considers it as a fundamental right, since the right to water and sanitation is implicitly recognized in articles 11 and 12 of the International Covenant on economic, social and cultural right (right to an adequate standard of living and right to the enjoyment of the highest attainable standard of physical and mental health). In the same General comment, the Committee defines the human right to water as *«sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses»*[2]. The General Assembly of the United Nations confirmed the right to water and sanitation as a fundamental right in a resolution 64/292[3] adopted on the 28th of July 2010 and reiterated by the Human Rights Council in 2013[4]. For France Libertés, this right is particularly invaluable since *«it is a prerequisite for the realization of other human rights»*[5].

Many governments make the choice to intensively extract natural resources in order to satisfy our societies' increasing needs as it has a veritable economic appeal. This trend, also called *extractivism* by France Libertés, produces major violations of the human right to water and sanitation in territories affected by extractive projects. Such economic and political choices place priority in economic growth over fundamental human rights and as such need to be questioned.

Businesses are accelerating their exploitation of mineral resources, in order to face up to increasing demand. With the growing scarcity and depletion of natural resources, businesses have to diversify their zones of exploitation but also their techniques. In this struggle for raw materials, Latin American countries are not an exception and they bear the cost of extreme and expensive methods, also known as non-conventional, such as fracking. In December 2013, Mexico decided to put an end to seventy-five years of state energy monopoly on natural resource exploitation to open the sector to new extractive projects based on non-conventional methods. This leads inevitably to intensive water use, with serious consequences for local communities' fundamental right to water: contaminated surface and ground water rendering it non-potable, increased water stress, competition between different water uses, serious health issues such as poisoning, skin diseases and malformations. In 2011, the Special Rapporteur on the rights of indigenous peoples related some of those effects: *« With respect to the negative impact of extractive operations on water resources, it was noted that water resource depletion and contamination has had harmful effects on available water for drinking, farming and grazing cattle, and has affected traditional fishing and other activities, particularly in fragile natural habitats. »*[6]

In Mexico (in Sierra Norte de Puebla region), in Guatemala (Petén region) and in Honduras, concessions to extractive industries have been awarded in extensive areas. In these countries, local communities have difficulties in expressing their concerns. They are either completely absent in decision making processes or only involved in late stages, the dialogue remaining between the State and businesses. Priority is given to financial issues around natural resource extraction and override citizens' participation in decision making. This goes against the idea that *« participation in the conduct of public affairs, including access to the necessary information, is itself a human right that must be respected and implemented in the formulation of national action plans, as in all other spheres of government action »*[7] related in the Report of the Working Group on the issue of human rights and transnational corporations. With their rights to

[1] Committee on economic, social and cultural rights, General Comment No. 15 (2002), E/C.12/2002/11, 20 january 2003, p.1 §1
[2] *Ibid*, p.2 §2
[3] A/RES/64/292, 3 august 2010
[4] A/C.3/68/L.34/Rev.1, 19 november 2013
[5] Committee on economic, social and cultural rights, General Comment No. 15 (2002), E/C.12/2002/11, 20 january 2003, p.1 §1
[6] Report of the Special Rapporteur on the rights of indigenous pepoles, James Anaya, Extractive industries operating within or near indigenous territories, A/HRC/18/35, 11 july 2011, p.9 §31
[7] Report of the Working Group on the issue of human rights and transnational corporations, 5 august 2014, A/69/263, p.6 §15

information and prior consultation flouted, communities tend to take a long time to find out the effects produced by natural resources exploitation on the full enjoyment of their right to water. In Latin America, many civil society organizations get together to mobilise around the harm done to their environment and to defend their fundamental rights in States where governments is in collusion with businesses the extractive industries. We denounce the devastating effects of extractivism, which are worsened by an increasing criminalization of social movements protesting about large-scale industrial projects

Concerned by such extensive violations of the fundamental right to safe water and sanitation in territories affected by extractive industries and troubled by the non-respect of the principle of local communities' free, prior and informed consent concerning large-scale industrial projects, France Libertés aims to alert the international community about this situation.

Recommendations

- We invite States that are not yet Parties to the International Covenant on Economic, Social and Cultural Rights to sign and ratify the Covenant;

- We remind the States that are signatories to the International Covenant on Economic, Social and Cultural Rights of their duty to implement into national law, the fundamental right to water as specified by the Committee on Economic, Social and Cultural Rights, the Council of human Rights and the UN General Assembly;

- We call upon the States Parties to the International Covenant on Economic, Social and Cultural Rights to ratify the Additional Protocol to the Covenant in order to fully ensure the effectiveness of established rights;

- We invite States to grant constitutional status to the right to water;

- We emphasize the need of prior information to populations affected by extractive projects, as well as consultation in good faith, in order to fully integrate them in the decision-making process, as provided by the Convention No. 169 of the International Labour Organization and the United Nations Declaration on the rights of indigenous peoples;

- We call on States to reconsider the funding policies of international financial institutions in the implementation of extractive projects affecting the right to water for all;

- We reiterate the need to fight against corruption, public authority collusion with the extractive industry as well as the criminalization of social movements.

Our organizations call upon the:

- Special Rapporteur on the right to water and sanitation to urge for respect of the human right to water as provided by Articles 11 and 12 of the International Covenant on Economic Social and Cultural Rights;
- Special Rapporteur on the rights of indigenous peoples to urge for respect of the right to self-government and the principle of consent as provided by Articles 4, 10 and 19 of the UN Declaration on the Rights of Indigenous Peoples;

As well as upon the:

- Special Rapporteur on the situation of human rights defenders;
- Special Rapporteur on the right to peaceful assembly and freedom of association;
- Working Group on human rights and transnational corporations and other business enterprises;
- UN Inter-agency Group for preventive actions.

to pay special attention to the implementation of the human right to water in the context of extractive activities, especially in Mexico, Guatemala and Honduras, where particularly current and alarming violations are occurring.

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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Joint written statement* submitted by the France Libertes : Fondation Danielle Mitterrand, American Association of Jurists, Emmaus International Association, non-governmental organizations in special consultative status

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Please recycle

The promotion of clean energy through hydroelectric projects puts the human right to water in rural communities in Honduras at risk*

Water is the essence of life. Drinking water and sanitation are indispensable for life, health, and fundamental to the dignity of every person. Thus the Universal Declaration of Human Rights establishes that everyone has the right to a "standard of living adequate for the health and wellbeing of himself" including food and housing[1]. It is clear that this right cannot be enjoyed in its entirety without the population having access to the minimal quantities and qualities of this resource.

The International Covenant on Civil and Political Rights (ICCPR) establishes a series of rights whose fulfillment requires access to water and proclaims that in no circumstances may people be deprived of their own means of subsistence and that "every human being has the inherent right to life."[2] The International Covenant on Economic, Social, and Cultural Rights (ICESCR) also implicitly recognizes the human right to water through the right of every person to an adequate standard of living[3] and to the enjoyment of the highest attainable standard of physical and mental health.[4] The Committee on Economic, Social and Cultural Rights defines the right to water in its General Comment No. 15 as the right of everyone "to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses."[5]

The State of Honduras is party to relevant conventions, treaties, and international agreements that oblige it to respect life, health and natural resources and to take measures for the fulfillment of : the Universal Declaration of Human Rights[6], the Convention on Biological Diversity[7], Convention 169 on Indigenous People[8], Convention for the Protection of World Culture and Natural Heritage[9], United Nations Convention on Climate Change[10], Convention for the Conservation of Biodiversity and Protection of Wildlife Areas in Central America[11]. The State of Honduras has inadequately implemented and complied with all these agreements.

In recent years the Honduran government has been promoting the use of hydroelectric projects as the best way to reverse the energy matrix that is mostly composed of private energy projects dependent on fossil fuels. To do this, it has established a new energy policy and has declared the use of renewable resources for the production of "clean" energy as a matter of public utility and national interest. However, for the implementation of the new policy, a legal framework has been created that grants excessive benefits to private capital companies, the State thus becoming their principal benefactor.

The granting of territories for hydroelectric development infringes upon the legal framework on biodiversity and the protection of water sources that have been built between the State and civil society organizations. This is the case of the thirty-seven protected areas that have been declared under Decree 87-87. Currently, due to the pressure exerted by private developers for the establishment of mining and hydroelectric projects, the State seems to have decided to disregard the laws in order to allow construction of permanent development projects inside the protected areas that have

[1] Article 25, Universal Declaration of Human Rights, 1948
[2] Article 6, International Covenant on Civil and Political Rights, 1976
[3] Article 11, International Covenant on Economic, Social and Cultural Rights, 1966
[4] *Ibid*, Article 12
[5] Committee on Economic, Social and Cultural Rights (2002), General Observations No. 15, E/C. 12/2002/11, January 20, 2003, p. 2
[6] Article 25, Universal Declaration of Human Rights, 1948
[7] Article 8, Convention of Biological Diversity
[8] Article 7, number 4 and Article 13, numbers 1 and 2, Convention 169 on Indigenous People.
[9] Article 2, Convention for the Protection of World Culture and Natural Heritage
[10] Article 4, subsection F, United Nations Convention on Climate Change
[11] Articles 14 and 17, Convention for the Conservation of Biodiversity and Protection of Wildlife Areas in Central America

been public reserves of water, forest and biodiversity. Concerning the protection of water sources, both the current law and the forestry law that preceded it have declared certain zones as protected forestry areas, protecting the water supply for human consumption and representing a sufficient legal instrument to achieve the absolute protection of small river basins. However, at the present time, the Honduran State has issued environmental licenses for the construction of hydroelectric projects within small river basins which would violate the legal framework that for years, communities, authorities and other actors have recognized as a guarantor for the protection of water sources and therefore the human right to water.

People's lives and means of subsistence intimately depend on fresh water ecosystems: their fish resources provide an important source of income and nutrition. rivers are extremely important routes and frequently the only source of transportation, communication and essential to the cultural diversity of the region. Should this problem continue, it is more than likely that the projects' impacts become irreversible. As for service provision, surface water in Honduras and mainly rivers and streams are the primary source of water for human activities. Modification of the flow downstream from the dams affects the quality of the water and makes the river water unusable for human consumption.

Such is the situation in which inhabitants in different communities in the municipality of San Francisco Atlántida (Northern Honduras) are currently living. Since 1921, the communities obtain their water supply from the Cuyamel River in the Nombre de Dios mountain range that was declared a protected forest area, according to agreement GG-PMF-1998. In 2010, the company CONERSA S.A. obtained the concession for the Cuyamel River against the will of the affected communities and since that time the populations have carried out multiple protests demanding that the authorities nullify the concession contract on Cuyamel River waters.

In 2013, the population has witnessed how the national army has moved a battalion's camp to the entrance of the small river basin, preventing local residents' free access to their water source and interrupting their management of their clean drinking water and maintenance of the water supply system, as well as other activities related to the river basin.

The human right to water is an affirmation held by communities and other civil society groups so we remind the Member States of the UN Human Rights Council that good water management is a condition for peace, security, sustainable development, the eradication of poverty and the enjoyment of basic human rights such as the rights to water and sanitation, alimentation, health and, finally, life. In this regard, we are requesting:

- The Special Rapporteur on the situation of human rights defenders
- The Special Rapporteur on the human right to safe drinking water and sanitation
- The Working Group on the issue of human rights and transnational corporations and other business enterprises

To urge the State of Honduras to comply with the following requests:

- To guarantee the implementation of the human right to water without restrictions of any kind
- To halt the approval of development projects (hydropower, mining and others) that affect the water, soil, air and the rights of communities.
- To provide the necessary economic resources to promote community water management, as well as the implementation of integrated management of water resources.
- To respect the designation of hydrographic small river basins as water sources for human consumption in order to guarantee perpetual protection and conservation of water sources.

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* Coalición Nacional de Redes y Organizaciones Ambientales (CONROA), a NGO without consultative status, also shares the views expressed in this statement.

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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Joint written statement* submitted by the France Libertes : Fondation Danielle Mitterrand, Advocates for Human Rights, American Association of Jurists, Cultural Survival, Robert F. Kennedy Center for Justice and Human Rights, Society for Threatened Peoples, non-governmental organizations in special consultative status

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Please recycle

The Kingdom of Morocco Must Respect and Implement the Rights Protected by the ICESCR in Western Sahara*

Summary

Under international law, the Kingdom of Morocco has no legitimate sovereignty over Western Sahara.[1] Nevertheless, as the *de facto* Occupying Power in a non-self-governing territory, it is clear that the Kingdom of Morocco must respect and implement its human rights obligations in Western Sahara. The Kingdom of Morocco ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR) in 1979. Yet the Kingdom of Morocco has violated a number of the rights enshrined in the ICESCR, as detailed below.

The Right to Self-Determination (Article 1 (1))

From a legal perspective, the Sahrawi people are clearly entitled to determine their political future through a referendum on self-determination. However, Morocco has been unwilling to resolve the self-determination question in conformity with international law's binding principles. Through the "*Moroccan Extended Autonomy Initiative*," Morocco proposes granting Western Sahara a degree of autonomy. This initiative, however, does not allow the Sahrawi people to choose independence over regional autonomy. Therefore, Morocco's proposal violates the principle of self-determination.

The Right to Freely Dispose of Natural Resources (Article 1(2))

The exploitation of natural resources in a non-self-governing territory must satisfy two conditions to conform to international law. First, the resources must be exploited for the benefit of the peoples in the territory. Second, the resources must be exploited in the name of the peoples or in consultation with their representatives.[2] However, the principle of permanent sovereignty of peoples under foreign occupation over their natural resources[3] is not respected in Western Sahara. Instead, Morocco exploits the territory's phosphates, fisheries, cultivable lands, and water in its own name, without prior consultation with legitimate Sahrawi representatives.

In Western Sahara, natural resources are principally found in the enclave that Morocco occupies, located between the coast and the Moroccan wall. Over 1,500 miles long, the wall is the longest operational military barrier in the world and allows Morocco to control eighty percent of Western Sahara. The wall also creates a physical barrier between the Sahrawi people in the Tindouf refugee camps and their native land's natural resources. Moreover, the landmines located east of the wall prevent the refugee camp population from freely exploiting its resources and livestock.[4]

The Right to Work (Article 6)

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[1] International Court of Justice, Advisory Opinion on Western Sahara, 16 October 1975, http://www.icj-cij.org/docket/files/61/6197.pdf. No state or inter-governmental institution has recognized Morocco as a sovereign power over Western Sahara.

[2] Letter dated 29 January 2002 from the Under-Secretary-General for Legal Affairs, Legal Counsel Hans Corell, addressed to the President of the Security Council, S/2002/161, §24; see also §9. The Legal Service of the European Parliament has also noted, "*compliance with international law requires that economic activities related to the natural resources of a Non-Self-Governing Territory are carried out for the benefits of the people of such Territory, and in accordance with their wishes.*" Legal Opinion of the Legal Service of the European Parliament, 13 July 2009.

[3] *See* U.N. General Assembly Res. 68/235, Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources, 7 February 2014, A/RES/68/235.

[4] Report of the Secretary General on the situation concerning Western Sahara, 10 April 2014, S/2014/258, §43: "*Widespread contamination caused by landmines and explosive remnants of war throughout Western Sahara continues to endanger the lives of the local, nomadic and refugee populations, along with MINURSO military observers and logistical teams.*" In addition, Frente Polisario reported a significant loss of livestock to mines, especially in the buffer strip.

States Parties to the ICESCR recognize the right to work (Article 6) and commit to ensuring and implementing this right without any discrimination (Article 2.2). These provisions of the Covenant are far from respected in Western Sahara, where Sahrawis are underrepresented in almost every labor sector. including restaurant and retail services, the police force, education, and public administration in general.[5]

Right to education (Article 13)

The "right of everyone to education" enshrined in the Covenant is not fully respected in Western Sahara. Several observers report discriminatory practices so severe that they prevent Sahrawi students from receiving an adequate education. Discriminatory practices also hinder young Sahrawis' access to higher education. There is not a single university in the territory of Western Sahara and very few professional training programs are available.

Right to take part in cultural life (Article 15)

The Moroccan government exerts intense pressure on the content of Sahrawi cultural productions, leading to the censorship of Hassaniya culture. Moroccan authorities sometimes harass and arrest Sahrawi cultural figures. Furthermore, Morocco's restrictions on Sahrawi cultural life also take more indirect forms. Moroccan authorities sometimes prevent Sahrawi parents from registering the Hassaniya names they choose for their children, especially if they are hyphenated names common to Sahrawi culture,[6] or names the authorities believe have sovereignist connotations.[7] Finally, some Sahrawi individuals report that they have stopped wearing traditional clothing when they travel in Moroccan provinces because they fear harassment and threats.[8]

Obstacles to the Effective Implementation of the Rights Guaranteed by the ICESCR

Morocco systematically represses Sahrawi associations that defend their economic, social, and cultural rights, in particular those who advocate for the right to self-determination. Authorities refuse to accept the founding papers any Sahrawi association whose object is to defend the right to self-determination, thereby denying them legal status. Moreover, Morocco does not tolerate demonstrations supporting self-determination. In November 2010, Moroccan authorities violently dismantled the Gdeim Izik resistance camp formed by approximately 20,000 Sahrawi to defend their rights. Following these events, military courts tried and sentenced 25 protesters (including human rights defenders) to lengthy prison terms.

The United Nations Mission for the Referendum in Western Sahara (MINURSO) was created to monitor the ceasefire between the parties and allow for a referendum on self-determination. Most peacekeeping missions' mandates include monitoring and protecting human rights.[9] Broadening MINURSO's mandate would enable impartial monitoring of the human rights situation in Western Sahara. It is essential for independent observers to observe and denounce rights violations suffered by the Sahrawi people and their human rights defenders.

We urge the Human Rights Council, its members, and observers to respond robustly to the human rights situation in the Western Sahara, including by:

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[5] Erica Vasquez, Living Under Occupation in the Western Sahara: Women, Resistance and Self-Determination, Georgetown Institute for Women, Peace and Security, November 2014.

[6] Human Rights Council, Twentieth session, Report of the Independent Expert in the field of cultural rights, Ms. Farida Shaheed, Addendum, Mission to Morocco (5-16 September 2011) A /HRC/20/26/Add.2, 2 May 2012, § 77.

[7] Interview with Alice Wilson, Durham University, 10 November 2014.

[8] Human Rights Council, Twentieth session, Report of the Independent Expert in the field of cultural rights, Ms. Farida Shaheed, Addendum, Mission to Morocco (5-16 September 2011) A /HRC/20/26/Add.2, 2 May 2012,§75; Interview with Alice Wilson, Durham University, 10 November 2014.

[9] *See* http://pbpu.unlb.org/pbps/library/capstone_doctrine_eng.pdf. The Capstone doctrine, which aims to regulate the Peacekeeping Operations framework, states that as a matter of principle human rights law is inherently part of the objectives and principles defined in the United Nations Charter. In accordance with this doctrine, several current UN operations (MANUA, MINUK, MINUL, MINUSS, MONUSCO and ONUCI) include effective human rights protection mechanisms.

1. Appointing a Special Rapporteur to monitor the human rights situation in the non-self-governing territory of Western Sahara;

2. Calling upon the Security Council to strengthen the MINURSO mandate, so the mission can monitor human rights violations in the non-self-governing territory of Western Sahara.

3. Urging the Kingdom of Morocco to:

- Grant the Sahrawi people their right to self-determination, including a referendum in which they have the option to choose independence over self-autonomy;
- Dismantle the wall preventing free access by the Sahrawi people to their natural resources, and refrain from exploiting the territory's natural resources without seeking prior consent from the Sahrawi people's legitimate representatives;
- Ensure the Sahrawi people's right to work, education, and take part in cultural life; and
- Allow Sahrawi human rights defenders to defend their economic, social, and cultural rights, including their right to self-determination.

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* Action des chrétiens pour l'abolition de la torture - ACAT France, a NGO without consultative status also shares the views expressed in this statement.

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Written statement* submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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Please recycle

Children suffering from armed conflict in Nigeria, Cameroon and Sudan

Society for Threatened Peoples is appalled by the impact of the Boko Haram crisis on children in northeastern Nigeria and northern Cameroon. The escalating violence and bloodshed has led to the closure of more than 800 schools especially in the Nigerian State of Borno. Some 194,660 children were forced out of school in Borno State in the year 2014. In comparison in the year 2012, some 14 schools were burnt down by radical Islamists in Borno, forcing 7,000 children and students out of formal education and pushing down enrolment rates in an already ill-educated region. Traditionally, school enrolment is already lower in Borno than in any other state in Nigeria, according to official Nigerian data. But the deliberate attacks against schools, the burning down of educational institutions and the kidnapping of hundreds of students had a massive impact on education in impoverished northern Nigeria. The targeting of schools has led children in neighboring schools to stay home or drop out completely for fear of further attacks. Staff attendance at schools has also dwindled, many teachers have left the area for fear of intimidation and attacks. The breakdown of the education system in northeastern Nigeria will have a disastrous impact on all efforts to achieve more equality and a better livelihood in longtime neglected northern Nigeria.

Children, youth and women are the most important group among the 3.3 million Internal Displaced People (IDP) and the hundreds of thousands of refugees who have searched for protection in neighboring countries. Unfortunately Nigerian authorities were unable to ensure their protection. More than 1.6 million IDP from Borno's rural areas have been seeking for protection in the State capital Maiduguri. But even in Maiduguri there was no permanent protection for them. Several times since January 2015, Boko Haram fighters attacked the city and intimidated the traumatized IDP's. Children are the main victims of the campaign of intimidation and terror which has been imposed by Boko Haram on the civilian population. Some 70 percent of all 877 civilians who were abducted by radical Islamists since January 2014 were children or youth. The case of the 219 Chibok girls, aged between 15 and 19 years, who were kidnapped in April 2014 has raised national and international attention. Despite appeals by famous international personalities to free the girls, even ten months after their abduction there are no news regarding their fate. Nigerian security forces have failed to obtain the liberation of the students who became a symbol in the suffering of children in the Boko Haram crisis in Nigeria. Abducted girls who succeeded in evading have reported about widespread sexual assault and rape in custody of the Boko Haram sect. The youth and their family members are traumatized and will need medical and psychological care for a long time.

Boko Haram's war against children is a crime against humanity. No more than 10 to 15 year old girls have been abused by the terrorist factions to enter into government controlled cities and to detonate powerful explosives at markets and other crowded public spaces. On January 10, 2015, a ten year old girl has detonated a bomb concealed under her veil at a market in Maiduguri, killing as many as 20 people and wounding many more. Boko Haram started to use female suicide bombers in June 2014 after the army, police and militias strengthened the security in bigger cities. When the security forces became aware of the new terrorist tactics, they started to abuse children and youth as suicide bombers to get access to crowded public areas.

Furthermore, children and youth are used by all conflict parties as child soldiers. Children and youth make now up to 40 percent of the insurgents' total strength of around 60.000 fighters. On the side of the government affiliated Civilian joint Task Force of self-defense militias children are nearly a quarter of the more than 10.000 fighters.

In neighboring northern Cameroon the security situation has started to deteriorate in autumn 2014. Since that time brutal attacks by Boko Haram fighters on schools, public transport, villages and cities dramatically have increased. Many schools had to close down and international development projects for children had to be stopped. Once again children are suffering most from the escalation of violence in the region. Cameroon security forces have become overwhelmed by the attacks from neighboring Nigeria and are unable to ensure the protection of children.

In Sudan children and youth still are suffering from the escalation of armed conflict in the five Darfur provinces and in South Kordofan and Blue Nile. Widely ignored by the international community fighting, violence, lawlessness and impunity in the Darfur provinces have increased in the years 2014/2015. Most violence against the civilian population has been committed by the state-affiliated "Rapid Support Forces (RSF)". The RSF are organized and commanded by

the "National Intelligence and Security Service (NISS)". Systematically, the RSF, which has been used by the army and government to fight the insurgents, has been intimidating and terrorizing the civilian population in the Darfur provinces. Nearly every week new incidents have been documented by the Society for Threatened Peoples. A typical incident occurred on February 4/5, 2015, in the villages of Um Siyala and Mursal in North Darfur Province. A group of militiamen on camels torched all 300 houses, assaulted the inhabitants and robbed their belongings. Most inhabitants of the villages are women, elderly people and children. The Sudanese president Omar Hassan al Bashir repeatedly has justified the actions of RSF lauding the militiamen as "martyrs who defend the country". Sudanese politicians who criticized the RSF for committing violence and rapes, have been arrested and accused to undermine the constitutional order and to disturb public peace.

Some 457,000 Darfuris had to leave their villages in the year 2014 due to the escalation of violence. Several hundred thousands of these new IDP were children. They and their mothers were searching for protection in IDP camps, but even in and around these camps militiamen are terrorizing children and women. Rapes of young girls searching for fire wood near the camps are common place.

Aerial bombardment by the Sudanese Air Force has caused the death of dozens of children in the Jebel Marra Darfur region, in South Kordofan and Blue Nile. Since years the Security Council of the United Nations has urged the Sudanese Government to stop bombing the civilian population, but the air raids still are continuing.

Living conditions for children in conflicts areas in Sudan steadily have been deteriorating due to the deliberate blocking of access for international humanitarian agencies in rebel-controlled areas in South Kordofan by the Sudanese authorities.

The abuse of children as child soldiers is widespread among all conflict parties in Sudan. There is an urgent need to call on all armed forces to abusing minors.

We are calling on the Human Rights Council:

to urge the Government of Sudan:

- to immediately stop aerial bombing of the civilian population in South Kordofan, Blue Nile and Darfur and to provide humanitarian access for aid agencies in all conflict areas,
- to disarm and to demilitarize the Rapid Support Forces, to end impunity in Darfur and to pride more protection for girls against harassment and rape in conflict regions,

to urge the Government of Nigeria:

- to provide more efficient protection to the civilian population and especially to schools and students,
- to encourage more efforts to free the Chibok girls and all other abducted civilians,
- to respect the basic human rights of children and the civilian population.

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Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Liberal International (World Liberal Union), a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Protection of Human Rights in Areas of Conflict: Cases of Highest International Priority

Liberal International (LI) welcomes the recent informal remarks delivered by UN Secretary-General Ban Ki-Moon to the UN General Assembly marking the 10 year anniversary since the establishment of the Responsibility to Protect Principle. LI fully aligns with the UN Secretary-General's conclusions that "in too many crises the international community has been unable to act on early warning signs and has failed to match rhetoric with responses."

LI also welcomes the recent adoption of the "Framework of Analysis for the Prevention of Atrocity Crimes" as established by the offices of Adama Dieng, Special Adviser on the Prevention of Genocide and Jennifer Welsh, Special Adviser on the Responsibility to Protect. The promotion of sensible human rights policies on a regional, national and international level lies at the heart of Liberal International's human rights agenda and as such the organisation will continue to work with liberal parties in government and opposition in strengthening human rights standards around the world.

This statement would like to pay particular attention to the ever-growing number of human rights violations putting a particular emphasis on the need to strengthen the global response to atrocity crimes.

Recognizing that:

-In the Syrian Arab Republic President Assad's troops continue to massacre their own people along with jihadist organisations such as Da-esh resulting in the death of more than 100,000 people, 7. 6 million internally displaced people and over 3.6 million refugees with further potential for the destabilization of the entire region

-The dangerous expansion of the terrorist group Da-esh in Syria and Iraq as well as the increased involvement of foreign trained jihadist fighters in Syria has brought a completely new dimension of terror and horror to the people of Syria and the immediate region changing completely the scale and scope of the on-going conflict

-In Nigeria there is an on-going humanitarian crisis caused by the indiscriminate targeting of vulnerable and minority groups by fighters of the extremist group Boko Haram which has resulted in more than 30,000 casualties year to date

-According to the Nigerian Social Violence dataset Nigerian casualties are now running more than double those in Afghanistan, and substantially higher than in Iraq just a few years ago precisely due to the escalation in Boko Haram attacks

-Since April 2014, pro-Russian separatists aided by the Russian Federation have been battling Ukrainian forces in the eastern regions of the country following Russia's illegal annexation of Crimea resulting in more than 4000 casualties' year to date

-The actions of the Russian Federation and in particular the military occupation of the Ukrainian territory of Crimea constitute a grave violation of international law, including of the UN Charter and the OSCE Helsinki Final Act, as well as the Budapest memorandum ensuring the territorial integrity and political independence of Ukraine signed between Russia, the US, and the UK in 1994

-The on-going civil unrest in the Bolivarian Republic of Venezuela might soon spin out of control with the latest decision of the government to adopt a military tactics law permitting the use of potentially lethal force against civilians during public gatherings and demonstrations and thus leading to further massive violations of Human Rights in the country

Expressing deep concern:

-Of the systematic abductions, sexual enslavements, and killings of children belonging to religious and ethnic minorities by Da-esh in Iraq and Syria

-That there is a general lack of shelter, medicine and educational facilities in refugee camps

-Girls and women are particularly vulnerable and there is no psychological help for victims of sexual violence in areas of conflict

-Of the failure of the international community to resolve the on-going civil war and humanitarian crisis in the Syrian Arab Republic which has now entered into its 5th year

-That the humanitarian needs in the Syrian crisis have increased at more than 6 times the rate of funding with the international community having been able to raise only 47% of the $2.28 Billion requested by the United Nations Office for the Coordination of Humanitarian Affairs

-That 10 years since the establishment of the Responsibility to Protect principle the international community remains paralyzed in preventing and eliminating crimes against humanity due to lack of political will

Stressing on the fact that:

-The implementation and respect for international human rights treaties cannot be achieved without an adequate global response and on-going dialogue on the common challenges before the international community

-The dangerous expansion and rise of extremist ideological and terrorist groups like Boko Haram and Da-esh have posed a direct threat to regional and international peace and security

-There is an urgent need to avoid a lost generation and a negative spiral of despair and radicalization as a result of Da-esh terror operations in Syria and Iraq

-The rise of violence in the Middle East cannot be fought without an adequate regional response and capacity building from within

-Safe channels of communication in areas of conflict are the only way of addressing the humanitarian needs of all those affected

-Humanitarian assistance in areas of conflict has become more and more politicized

-There is an urgent need for a long term strategy for reintegration of displaced Syrian refugees and victims of the terror organisation Da-esh

- Prosperous and democratic neighbors would be to Russia's advantage and not to its disadvantage and therefore the evolution of a mature relationship between Ukraine and Russia as sovereign states are undoubtedly good for both

Recalling:

-Its World Today Resolution to the 59th Congress in Rotterdam, the Netherlands which called for more legal and safe ways for Syrian refugees to enter the European Union as an alternative to irregular entry and the risks linked to human trafficking, stressing on the urgent need for more humanitarian protection

-Its oral statement to the 19th Session of the UNHRC and its written statement to the 24th Session of the UNHRC on the civil war in Syria which condemned the brutal actions of the Syrian authorities and it urged the Human Rights Council to recommend to the Security Council to refer the situation in Syria to the International Criminal Court

-Its direct exchange with UN Deputy High Commissioner for Refugees His Excellency Thomas Alexander Aleinikoff at the UN Human Rights Council in May 2013 where Liberal International reaffirmed its commitment to continue to act as a link between liberal parliamentarians and the UN Refugee Agency in addressing humanitarian crises around the world

Calls:

- On the United Nations to attempt a political solution offering protection and participation of all Syrian groups in the future democratic political solution for Syria, based on democracy, human rights and the rule of law

-On the international community to prioritize humanitarian aid for Syrian refugees and all victims of the terror organisation Da-esh and step-up its financial support for host communities in neighbouring countries: notably Jordan, Iraq, Lebanon and Turkey

-On the international community – especially the European Union - to support Ukraine's on-going efforts for a democratic transformation and economic modernization

-On the Russian government to adhere to the Minsk II peace agreement as proposed by Germany and France and as agreed with Ukraine on 12 February 2015

-On the Russian government to implement the conditions of the peace roadmap by ceasing immediately any military and financial support to the pro-Russian military separatists in Eastern Ukraine and by refraining from any further threats and/or military force

-On the Syrian Arab Republic and all other parties to the conflict to allow for immediate and full humanitarian access to all communities in need

-On developed nations to provide protection and asylum to a significantly higher number of Syrian refugees as a matter of first priority

-On the Government of Iraq, Iraq's neighbours, and the international community to continue to work towards a de-escalation of tensions and armed conflicts in Iraq's Western provinces and all provinces controlled by Da-esh

- On the Arab League to step up its efforts to end armed conflicts and violence in the Middle East

- On the Nigerian government to step up the efforts in neutralizing Boko Haram in a joint effort with its neighbouring countries and ensuring for a peaceful and democratic electoral process in the upcoming Presidential elections. The African Union should back this forcefully

- On the Venezuelan government to honour its international obligations and immediately repeal the new military tactics law targeting peaceful domestic demonstrations as the right to freedom of speech, including the right of citizens to participate in public demonstrations, is clearly enshrined in and protected by the Universal Declaration of Human Rights to which the Bolivarian Republic of Venezuela is a signatory

Commits:

-For liberal parliamentarians from around the world, whether in government or opposition, to continue to work towards the strengthening of international democratic standards and human rights principles as to tackle atrocities and crimes against humanity

-For liberal parliamentarians from around the world to continue to advocate for additional financial funding by the international community in order to secure much needed humanitarian assistance